

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:
Circulate for comment (January 1 cycle)

Title of proposal: Probate Conservatorship: Acceptance of Transfers Under the CCJA

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
 Amend rule 7.1050 and revise forms GC-366 and GC-368.

Committee or other entity submitting the proposal:
 Probate and Mental Health Advisory Committee

Staff contact (name, phone and email): Julia Kaufman, 916-263-5814, julia.kaufman@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): October 22, 2024

Project description from annual agenda: The committee will develop a recommendation to amend rule 7.1050 and revise forms GC-366, GC-368, and, perhaps, GC-367 to allow courts, in accepting transfer of a conservatorship into California from another state, tribe, or foreign country, to report determinations affecting voting rights of conservatees as required by elections Code section 2211.5, perform required monitoring of conservators, and make any modifications to out-of-state conservatorship orders necessary to conform to California law.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

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

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was:

- reviewed by EGG on (date) February 14, 2025
- approved by Office Director (or Designee) (name) Audrey Fancy on (date) 3/11/25

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-23

Title

Probate Conservatorship: Acceptance of Transfers Under the California Conservatorship Jurisdiction Act

Proposed Rules, Forms, Standards, or Statutes

Amend rule 7.1050; revise forms GC-366 and GC-368

Proposed by

Probate and Mental Health Advisory Committee
Hon. Jayne Chong-Soon Lee, Chair

Action Requested

Review and submit comments by May 23, 2025

Proposed Effective Date

January 1, 2026

Contact

Julia Kaufman, 916-263-5814
julia.kaufman@jud.ca.gov

Executive Summary and Origin

To assist courts in complying with the requirements of the California Conservatorship Jurisdiction Act and the reporting duties imposed by the Elections Code, the Probate and Mental Health Advisory Committee proposes amending one rule of court and revising two optional forms to provide the court with information it needs for the transfer of conservatorships into California. The rule amendment would require a conservator appointed in another jurisdiction to include *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) with their petition for orders accepting the transfer of the conservatorship to California. The form revisions would clarify that a proposed *Order Appointing Probate Conservator* (form GC-340) must be attached to each petition for orders accepting a transfer and an executed form GC-340 must be attached to each order accepting a transfer.

Background

In an effort to clarify jurisdiction and streamline the process of transferring conservatorship proceedings from other states, other countries, or tribal courts, in 2014 the Legislature enacted a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

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.

and gave it the short title of California Conservatorship Jurisdiction Act (CCJA). (Senate Bill 940, Stats. 2014, ch. 553.) To confirm the transfer of an existing conservatorship to California under the CCJA, the court must make specific findings, including those as to the eligibility of the proposed conservator to serve and the appropriateness of the powers requested.¹ To make these determinations and issue narrowly tailored orders that protect a person's interests, the court needs detailed information about the proposed conservator to conduct appropriate background investigations as well as information on the powers previously granted to compare to those allowed under California law.

In addition, Elections Code section 2211.5 (added by Assembly Bill 2841, Stats. 2022, ch. 807)² requires the clerk of the superior court to notify the Secretary of State of each judicial determination affecting a person's competency to vote. This notification must include personal identification information including all known names, date of birth, and the last four digits of the person's Social Security number.

When a person files a petition for appointment of a conservator in California, the petitioner must submit *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) to the court with the petition. (Cal. Rules of Court, rule 7.1050(a).) This requirement does not currently apply to conservators who petition to transfer conservatorships into California. The optional *Petition for Orders Accepting Transfer* (form GC-366) provides only the most basic information regarding the proposed conservatee and the proposed conservator. Item 1 of the form requests the name, address, and telephone number of the proposed conservatee. Item 6 requests the identity of the proposed conservator and, if the proposed conservator is not the petitioner, the name, address, telephone number, and relationship to the conservatee of the proposed conservator. Courts therefore often lack the information needed to perform the duties discussed above.

Probate Code section 2002(i)(1)³ also requires the court, on acceptance of the conservatorship, to appoint a conservator in conformity with the requirements in section 1830 and all other laws that provide special requirements to exercise a particular conservatorship power. Those sections require the appointment order to include multiple elements, such as contact information for the conservatee's attorney or specific findings regarding the conservatee's capacity, all of which are contained in *Order Appointing Probate Conservator* (form GC-340). The existing *Final Order Accepting Transfer* (form GC-368), however, provides for attachment of form GC-340 only if the court modifies the conservatorship when transferring it to California. Form GC-368 currently allows the California court simply to attach the original conservatorship order from the

¹ Prob. Code, § 2002(f), (h). Chapter 8 of the Probate Code (commencing with section 1980) was added by SB 940 (Stats. 2014, ch. 553). See Link A.

² See Link B.

³ All further unspecified statutory references are to the Probate Code.

transferring state, country, or tribe if no modifications are required and, thus, does not always enable appointment of a conservator in California in compliance with section 1830 et seq.

The Proposal

The committee proposes to amend rule 7.1050 and revise forms GC-366 and GC-368 to allow courts, in accepting transfer of a conservatorship into California, to identify and order any modifications to out-of-state conservatorship orders necessary to conform to California law, appoint the conservator to serve in California as required by law, perform investigations and monitoring of conservatorships, and report determinations affecting voting rights of conservatees as required by Elections Code section 2211.5. This amendment would apply to conservatorships transferred from another state, which as defined in the CCJA includes a federally recognized Indian tribe and a district, territory, or possession as described in section 1982(m), or, at the court's discretion, a foreign country.

Rule 7.1050

As noted above, rule 7.1050(a) currently requires each person who files a petition for appointment of a conservator to submit *Confidential Supplemental Information* (form GC-312) and *Confidential Conservator Screening Form* (form GC-314) to the court with the petition. The proposed amendment would require a conservator who files a petition for orders accepting a transfer to submit those forms with the transfer petition.

The requirement to submit form GC-312 would give the court the confidential information required to determine whether and how to modify the transferring jurisdiction's conservatorship order and to report any determinations affecting the conservatee's capacity to vote to the Secretary of State.⁴ The requirement to submit form GC-314 would provide information about the proposed conservator necessary to investigate the suitability of the proposed conservator for appointment in California⁵ as well as to adequately supervise the conservatorship after its transfer by providing the court with the information necessary to run California Law Enforcement Telecommunications System and other background investigations. Requiring submission of form GC-314 would also reduce continuances caused by the inability to complete investigations due to lack of information.

Petition for Orders Accepting Transfer (form GC-366) and Final Order Accepting Transfer (form GC-368)

Procedurally, California courts cannot issue an order from another jurisdiction as the official order appointing a conservator. A California court must determine whether the conservatorship needs to be modified to conform to the law of this state and whether to take any action necessary to achieve compliance with the law of this state, including, but not limited to, striking or modifying any conservator powers that are not permitted in California.⁶ To assist the court in

⁴ Elec. Code, § 2211.5.

⁵ § 2002.

⁶ § 2002(h)–(i).

making this determination, section 2002(a)(4) requires that the petition specify any modifications necessary to conform the conservatorship to the law of this state and also include the terms of a proposed final order accepting the conservatorship.

The committee proposes modifying *Petition for Orders Accepting Transfer* (form GC-366) to add item 6.c, which will require the petitioner to attach a completed proposed *Order Appointing Probate Conservator* (form GC-340) to the petition and specifically indicate whether the attached order would modify the conservatorship granted to the conservator in the transferring jurisdiction's conservatorship order. *Final Order Accepting Transfer* (form GC-368) would also be modified to require the attachment of form GC-340 in all cases to promote compliance with section 1830. The committee also proposes adding the CCJA's definition of "state" to the first page of both forms to clarify that the term includes federally recognized Indian tribes and any district, territory, or possession as described in section 1982(m).⁷

Alternatives Considered

The committee did not consider taking no action because rule 7.1050 and forms GC-366 and GC-368 need amendment and revision to allow courts to act in conformity with the law.

Fiscal and Operational Impacts

Courts might incur costs to train court employees, revise internal procedures, revise local rules and forms, and update case management systems. The costs associated with the proposed changes result from the underlying legislative requirements.

⁷ The committee also proposes non-substantive revisions to several items on forms GC-366 and GC-368 to improve clarity.

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 two 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. Cal. Rules of Court, rule 7.1050, at page 6
2. Forms GC-366 and GC-368, at pages 7–10
3. Link A: Senate Bill 940,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB940.
4. Link B: Assembly Bill 2841,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2841.

Rule 7.1050 of the California Rules of Court would be amended, effective January 1, 2026, to read:

1 **Rule 7.1050. Conservator forms**

2

3 **(a) Forms to be submitted with petition**

4

5 Each petitioner, unless the petitioner is a bank or other entity entitled to conduct the
6 business of a trust company, must submit to the court with the petition for
7 appointment of conservator or the petition for orders accepting transfer a completed
8 *Confidential Supplemental Information* statement (form GC-312). In addition, each
9 proposed conservator, except a bank or other entity entitled to conduct the business
10 of a trust company, or a public guardian, must submit a completed *Confidential*
11 *Conservator Screening Form* (form GC-314).

12

13 **(b)–(c) * * ***

ATTORNEY OR PARTY WITHOUT ATTORNEY 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 GC-366 2025-03-17 v5
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF (name):	CASE NUMBER: CONSERVATEE
PETITION FOR ORDERS ACCEPTING TRANSFER (California Conservatorship Jurisdiction Act)	HEARING DATE AND TIME: DEPT.:

1. Protected person's (the conservatee's or ward's) personal information:

Name:
 Residence address:

Telephone number: Email address:

2. I, (name):

was appointed the conservator or guardian for the person named in 1 by a court of record of the state* of
 (specify): (the transferring state) on (date): . My appointment remains in effect.

3. The California Conservatorship Jurisdiction Act (CCJA) (Prob. Code §§ 1981–2033) applies to this proceeding because the protected person:

- Is 18 years of age or older;
- Is **not** involuntarily committed to a mental health facility or receiving any other involuntary mental health care or treatment; and
- Has **not** been diagnosed or assessed with a developmental disability.

4. A certified copy of the provisional order of transfer issued by a court of record in the transferring state is attached to this form.
 The existing protective proceeding is best described under California law as (check all that apply):

- a. A conservatorship of the person (The court order gives me powers and duties to manage the protected person's needs for food, clothing, shelter, or health care.)
- b. A conservatorship of the estate (The court order gives me powers and duties to manage the protected person's finances and property.)

*Under the CCJA, "state" includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m). Page 1 of 3

CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

5. Factors relevant to determining the jurisdiction of the California court:

- a. The conservatee has been physically present in California since *(date)*: _____ and remains present in California.
- b. The conservatee was physically present in California from *(date)*: _____ to *(date)*: _____, ending within six months of the date this petition is filed.
- c. The conservatee has the following connections to California *(list all that apply)*:
- (1) The following relatives and other persons required to receive notice of the proceeding reside in California:

Continued on Attachment 5c(1). *(Use a blank sheet of paper or form MC-025.)*

- (2) The conservatee was physically present in California during the following periods:
- | | |
|----------------------|--------------------|
| From <i>(date)</i> : | to <i>(date)</i> : |
| From <i>(date)</i> : | to <i>(date)</i> : |
| From <i>(date)</i> : | to <i>(date)</i> : |
| From <i>(date)</i> : | to <i>(date)</i> : |

Continued on Attachment 5c(2). *(Use a blank sheet of paper or form MC-025.)*

- (3) The conservatee will move permanently to California and reside at the following address *(provide if known)*:
- (4) The conservatee holds a legal or beneficial interest in the following property located in California *(describe each piece of property; give the street address of real property or the location of personal property)*:

Additional property is described on Attachment 5c(4). *(Use a blank sheet of paper or form MC-025.)*

- | | |
|---|----|
| (A) Estimated value of real property in California: | \$ |
| (B) Estimated value of personal property in California: | \$ |
| (C) Annual gross income from | |
| (i) Real property: | \$ |
| (ii) Personal property: | \$ |
| (iii) Pensions: | \$ |
| (iv) Wages: | \$ |
| (v) Public assistance benefits: | \$ |
| (vi) Other: | \$ |
| Subtotal of (C): | \$ |
| (D) Total of (A), (B), and (C): | \$ |

- (5) The conservatee has the following other ties to California *(for example, voter registration, driver's license, tax filing)*:

Continued on Attachment 5c(5). *(Use a blank sheet of paper or form MC-025.)*

CONSERVATORSHIP OF <i>(name):</i>	CASE NUMBER:
CONSERVATEE	

6. I request that the court:

a. Accept transfer of this proceeding and recognize the transferring state's conservatorship order.

b. (1) Appoint me as conservator of the person estate under California law for the person named in 1, or

(2) Appoint *(name):*
(mailing address):

(telephone number):

(email):

(relationship to conservatee):

, who is eligible for appointment under California law,
as conservator of the person estate for the person named in 1.

c. Issue the attached *Order Appointing Probate Conservator* (form GC-340).

(1) The attached order does not modify the powers granted to the conservator or any other material terms in the transferring state's conservatorship order.

(2) The attached order modifies the powers granted to the conservator or other material terms in the transferring state's conservatorship order to conform to California law as follows:

(A) Powers modified:

(B) Duties modified:

(C) Bond modified:

(D) Other information needed:

Additional modifications are included on Attachment 6c(2). *(Attach a blank sheet of paper or form MC-025.)*

d. Issue *Letters of Conservatorship* (form GC-350) upon the appointee's qualification.

7. A *Petition for Appointment of Temporary Conservator* (form GC-111) is filed with this petition.

8. The conservatee has has not been diagnosed with a major neurocognitive disorder (major NCD, such as dementia).

a. A completed *Petition for Exclusive Authority to Give Consent for Medical Treatment* (form GC-380), with *Attachment Requesting Special Orders Regarding a Major Neurocognitive Disorder* (form GC-313), is filed with this petition.

b. I intend to petition the court for major NCD/dementia powers under section 2356.5 of the Probate Code as soon as the court issues a final order accepting transfer of this conservatorship.

I declare under penalty of perjury under the laws of the State of California that the information stated on this form and any attachments is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 GC-368 2025-03-17 v5
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CONSERVATEE
FINAL ORDER ACCEPTING TRANSFER (California Conservatorship Jurisdiction Act)	CASE NUMBER:

1. The court held a hearing to review the conservatorship and determine its conformity to California law on (date):
2. The court has read and considered the report of the review investigation conducted under Probate Code section 1851.1, which was filed on (date): Based on the information in the report and all other evidence admitted at the hearing,

THE COURT FINDS THAT:

3. Notice of the hearing was given as required by law.
4. The conservatee attended was excused under Probate Code section 1825 and did not attend the hearing.
5. **An Order Appointing Probate Conservator (form GC-340) is also being filed. The powers granted to the conservator or other material terms in the original conservatorship order were were not modified to conform to California law.**
6. The conservatee does not wish to petition for termination of the conservatorship.
7. The conservatee does not object to the appointment of the person identified below as conservator in California.
8. The conservatee was informed of **their** rights to attend the hearing and to be represented by legal counsel of **their** choice or, if desired, by counsel appointed by the court.
9. The conservatorship is still the least restrictive alternative necessary to protect the conservatee's interests.
10. Other (specify):
 Additional findings are set forth on Attachment 5c(1).
11. The court has received a final order issued by a court of record in (state*): confirming the transfer of the conservatorship to California.

THE COURT ORDERS THAT:

12. The transfer of the conservatorship proceeding to California is accepted.
13. Name:
 Address:
 Telephone number: Email address:
 is appointed conservator of the person estate for (name):
 under California law as specified in the accompanying **Order Appointing Probate Conservator (form GC-340).**
 The clerk is ordered to issue *Letters of Conservatorship* (form GC-350) when the appointee has qualified under section 2002(i)(2).

Date: _____ (JUDICIAL OFFICER)

***Under the CCJA, "state" includes a federally recognized Indian tribe and a district, territory, or possession described in Probate Code section 1982(m). Page 1 of 1**

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:
Circulate for comment (January 1 cycle)

Title of proposal: Probate Conservatorships: Rights of Conservatees

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
 Approve form GC-342; revise forms GC-341 and GC-341(MA)

Committee or other entity submitting the proposal:
 Probate and Mental Health Advisory Committee

Staff contact (name, phone and email): Corby Sturges, 415-865-4507, corby.sturges@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): October 22, 2024

Project description from annual agenda: The committee will develop a recommendation to revise Notice of Conservatee's Rights (form GC-341), as required by Probate Code section 1830(c), and Duties of Conservator (form GC-348), as required by Probate Code section 1834(a), as well as a new form—either a standalone form or an attachment to form GC-341—for use to list the specific rights retained by the conservatee and any other information required by Probate Code section 1835.5 that is not already included in the order of appointment. (AB 1663 (Stats. 2022, ch. 894).)

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

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

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was:

reviewed by EGG on (date) 3/10/25

approved by Office Director (or Designee) (name) Audrey Fancy
 on (date) 3/12/25

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-24

Title	Action Requested
Probate Conservatorships: Rights of Conservatees	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Approve form GC-342; revise forms GC-341 and GC-341(MA)	January 1, 2026
Proposed by	Contact
Probate and Mental Health Advisory Committee	Corby Sturges, 415-865-4507, Corby.Sturges@jud.ca.gov
Hon. Jayne Chong-Soon Lee, Chair	

Executive Summary and Origin

Probate Code section 1835.5 requires the court, within 30 days of appointing a conservator, to provide the conservatee with specified information, including a personalized list of rights retained by and withheld from the conservatee. Recent legislation has also expanded and clarified the rights of all conservatees. In response, the Probate and Mental Health Advisory Committee proposes approving one form for the courts to use to provide the information required by section 1835.5, revising one form that lists the general rights of conservatees, and revising the attachment to the second form to conform to the revisions to the principal form.

Background

When the probate court appoints a conservator, it grants the conservator powers to make certain decisions and take certain actions on behalf of the person conserved (the *conservatee*). This grant of powers does not necessarily result in a corresponding limit on or removal of the conservatee's rights to make those decisions or take those actions. For example, a conservatee may consent to medical treatment unless adjudicated to lack the capacity to do so. The conservator may also

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consent to the conservatee’s medical treatment as long as the conservatee does not object to the treatment.¹

Since 2007, the law has required a conservator, within 30 days of the issuance of the order appointing them, to send a copy of the appointment order with a notice of conservatees’ rights attached, to the conservatee and the conservatee’s relatives named in the petition for appointment. (Prob. Code, § 1830(c), added by Assem. Bill 1363 (Stats. 2006, ch. 493, § 10).)

The Proposal

Effective January 1, 2023, the court must also, within 30 days of appointing a conservator, provide specified information to the conservatee. (*Id.*, § 1835.5(a), added by Assem. Bill 1663 (Stats. 2022, ch. 894, § 9).) That information includes the name and contact information of the conservator; a description of the conservatorship; the role, duties, and contact information of the court investigator and the court alternatives program;² “the person to petition to end or change the conservatorship and contact information for the person to contact to begin that process”;³ and a personalized list of rights retained by the conservatee and rights withheld. (*Id.*, § 1835.5(b).) The committee proposes form GC-342 to be used for this purpose.

Assembly Bill 1663 also amended Probate Code section 2113 to elaborate more fully a conservator’s duty to accommodate the desires of the conservatee unless doing so “would violate the conservator’s fiduciary duties to the conservatee or impose an unreasonable expense on the estate.” (*Id.*, § 2113.) The amendments require a conservator, to the greatest extent possible, to help the conservatee maximize autonomy, make their own decisions, and regularly inform the conservatee of decisions made on their behalf. (*Ibid.*) The committee proposes adding this information to form GC-341.

¹ Prob. Code, § 2354(a). And, in some cases, the removal of a right does not confer a corresponding power on the conservator. For example, disqualifying a conservatee from voting does not give the conservator any power to vote on the conservatee’s behalf. (See *id.*, § 1910; Elec. Code, §§ 2208–2209.)

² Prob. Code, § 1835.5(b)(3). AB 1663 also added section 1836 to the Probate Code. Contingent on an appropriation by the Legislature, that section requires the Judicial Council to establish a conservatorship alternatives program within each self-help center in every superior court. (*Id.*, § 1836.) The Legislature has not yet appropriated the requisite funds. The proposed form addresses this contingency by allowing a court to check a box indicating that it has established a conservatorship alternatives program and provide the program’s contact information.

³ *Id.*, § 1835.5(b)(4). The statutory language notwithstanding, a petition to change or end a conservatorship is not directed to a person. Providing the quoted information on the proposed form therefore presents a challenge. The committee proposes directing the conservatee to inform the court investigator of their wish to file a petition to terminate or modify the conservatorship. Once the court learns of the conservatee’s wish to petition, the court may set a hearing, notify the conservatee’s attorney of record, or, if the conservatee does not have an attorney and does not plan to get one, appoint an attorney to file the petition and represent the conservatee. (*Id.*, §§ 1051, 1852.)

This proposal would promote conformity to the laws described above, effective January 1, 2026, by:

- Approving for optional use *Personalized Information for Conservatee—Probate* (form GC-342) to create a statewide option for courts to use to provide the information required by Probate Code section 1835.5;
- Revising *Notice of Conservatee’s Rights* (form GC-341) to:
 - Retitle it *Notice of Conservatees’ Rights—Probate* to distinguish this form from form GC-342, which includes a personalized list of the specific rights retained by or withheld from each conservatee;
 - Update the discussion of rights to reflect statutory amendments enacted since this form’s adoption in 2008;
 - Reorganize the lists of rights to indicate which rights are subject to judicial limitation and which are not; and
 - Make technical and conforming changes; and
- Revising *Attachment to Notice of Conservatee’s Rights* (form GC-341(MA)) to use the proposed title of form GC-341 and make technical and conforming changes.

Alternatives Considered

The committee considered not taking action but determined that an optional statewide form would assist courts in fulfilling their obligation under section 1835.5 and that many of the proposed revisions to form GC-341 were required to conform to the law. The committee also considered proposing form GC-342 for mandatory use, but instead is proposing the form for optional use to allow courts that have developed local forms providing the information required by Probate Code section 1835.5 to continue using their existing forms.

In addition, the committee considered proposing revisions to *Duties of Conservator* (form GC-348) to update it and bring it into conformity with the law, but it determined that current committee resources could not accommodate that proposal at this time.

Fiscal and Operational Impacts

The proposal will impose one-time costs on courts for adding the new and revised forms to their case management systems and training staff to send the form to conservatees as required by law.

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:

- The committee has proposed form GC-342 for optional use. Would the alternative of adopting it for mandatory use instead of optional use unduly interfere with existing trial court practices or otherwise impose an undue burden on the courts?
- 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 two 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 GC-341, GC-341(MA), and GC-342, at pages 5–12
2. Link A: Prob. Code, § 1835.5,
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB§ionNum=1835.5

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CONSERVATEE
NOTICE OF CONSERVATEES' RIGHTS—PROBATE	CASE NUMBER:

When a court appoints a conservator, the conservator receives the power to make certain decisions and take certain actions on behalf of the protected person, who is called a *conservatee*. The court may grant the conservator powers over the conservatee’s personal care, the conservatee’s money and property, or both. The law imposes strict duties on a conservator to take proper care of the conservatee or the conservatee’s property and always to act in the conservatee’s best interest. But the conservatee does not automatically lose the right to take part in decisions affecting their life or property. Every conservatee has the right to be treated with compassion and respect, to have the conservator ask about their wishes and follow those wishes unless doing so would violate the conservator’s duties, and to have the conservator inform them regularly of decisions made on their behalf. Every conservatee has all basic human rights and the right to be well cared for by their conservator.

A conservatee has the right to ask the conservator questions about actions taken and decisions made by the conservator on the conservatee’s behalf. If a conservatee is not satisfied with the conservator’s answers, they may contact their lawyer or the court investigator assigned to their case to express their concerns and complaints. The court investigator’s name and contact information are printed on the order appointing the conservator.

If a conservatee cannot resolve a disagreement with the conservator after working through the lawyer or the court investigator, the conservatee may ask the court to review the conservator’s decision or action. If the conservatee’s lawyer from the appointment proceeding has been relieved, the court will appoint a lawyer to represent the conservatee unless the conservatee plans and is able to arrange for one. A conservatee may also ask the court to remove (replace) the conservator with a different one or to terminate (end) the conservatorship.

Even if the conservatee never contacts the court, the court investigator will periodically visit the conservatee, look into their welfare, ask about their wishes, and remind them of their rights.

CONSERVATEES' RIGHTS

1. After appointment of a conservator, every conservatee keeps the right to:
 - Be represented by a lawyer and have the court appoint a lawyer for them;
 - Ask a judge to change the conservator;
 - Ask a judge to end the conservatorship;
 - Make or change a will; and
 - Enter into transactions, to the extent reasonable, to (1) provide for the basic needs of the conservatee and the conservatee’s minor children, and (2) provide for the basic needs of the conservatee’s spouse or the basic living expenses of the conservatee’s registered domestic partner.

(Conservatees' rights continued on next page)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ CONSERVATEE	CASE NUMBER: _____
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CONSERVATEES' RIGHTS (continued)

2. Unless the court has limited or taken away the right, a conservatee also keeps the right to:
- Make their own medical decisions;
 - Make a decision whether to reside in a secured perimeter residential care facility;
 - Make a decision whether to take medication for treatment of major neurocognitive disorders;
 - Receive visits from family and friends;
 - Receive personal mail, email, and phone calls;
 - Control whom to have social and sexual relationships with;
 - Get married or enter into a registered domestic partnership;
 - Register to vote and cast a vote in local, state, and national elections; and
 - Directly receive and control their own wages or salary.
3. A conservatee may also engage in other activities if the court has expressly allowed them in an order made at the time of the conservator's appointment or later on a request for authority or permission to engage in the activity. These activities may include:
- Making decisions about where to live;
 - Making their own educational decisions;
 - Receiving and controlling an allowance for personal expenses; and
 - Entering into specific transactions or types of transactions as appropriate in the circumstances and subject to limits and conditions in the court order.
4. If the court has appointed a *limited conservator*, the limited conservatee keeps the right to take an action or make a decision **unless** the court has expressly, in an order, given the limited conservator the power to take that action or make that decision **and** also taken the right away from the conservatee. In particular, a limited conservatee keeps the following rights that a conservatee loses by default:
- Making decisions about where to live;
 - Making their own educational decisions; and
 - Entering into contracts or transactions that obligate their estate.

If you are a conservatee, the court will also, within 30 days of appointing a conservator for you, send you personalized information about your conservatorship on *Personalized Information for Conservatee—Probate* (form GC-342) or a similar local form. That form will give you information about your conservatorship, including the name and contact information of your conservator; a description of the conservatorship; the role, duties, name, and contact information of the court investigator assigned to your case; and a personalized list of the rights you keep under the conservatorship and the rights the court has ordered taken away from you. The form will also list any activities the court specifically ordered the conservator to allow you to engage in.

(Proof of mailing on page 3 and instructions for mailing on page 4)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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PROOF OF MAILING

1. I am 18 years of age or older. I am the appointed conservator of the conservatee named above, the conservator's attorney, or an employee of the conservator's attorney. I am a resident of or employed in the county where the mailing occurred.
2. My residence or business address is (specify): _____
3. I mailed this *Notice of Conservatees' Rights—Probate* to each person named below, attached to a conformed copy of the order appointing a conservator (form GC-340) or a limited conservator (form GC-339) filed on (date): _____ and showing the filing date and the judicial officer's signature, by enclosing it in an envelope addressed as shown below, and (check one):
 - a. **depositing** the sealed envelope on the date and at the place shown in item 4 with the United States Postal Service with the postage fully prepaid.
 - b. **placing** the envelope for collection and mailing on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
4. a. Date mailed: _____ b. Place mailed (city, state): _____

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

Date: _____

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)
(SIGNATURE OF PERSON COMPLETING THIS FORM)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

	<u>Name and relationship to conservatee</u>	<u>Address (number, street, city, state, and zip code)</u>
1.	Conservatee	
2.	Attorney for conservatee	
3.	Spouse or registered domestic partner	
4.	Relationship: 	
5.	Relationship: 	
6.	Relationship: 	
7.	Relationship: 	

Continued on an attachment. (You may use form GC-341(MA) to show additional names and addresses.)

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ CONSERVATEE	CASE NUMBER: _____
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INSTRUCTIONS FOR MAILING COPIES OF NOTICE OF CONSERVATEES' RIGHTS—PROBATE WITH THE ORDER APPOINTING A CONSERVATOR (FORM GC-340) OR A LIMITED CONSERVATOR (FORM GC-339)

1. **What to mail:** The conservator, the conservator's attorney of record, or the attorney's employee must mail a copy of this *Notice of Conservatees' Rights—Probate*, attached to a copy of the order appointing a conservator (form GC-340) or a limited conservator (form GC-339) showing the judicial officer's signature and the filing date, to each person in item 2 below.
2. **Who must receive the mailing:** The following persons must receive copies of this *Notice of Conservatees' Rights—Probate* with the appointment order.
 - a. The conservatee;
 - b. The conservatee's attorney;
 - c. The conservatee's spouse or registered domestic partner and the following relatives within the second degree:
 - (1) Parents;
 - (2) Children 12 years of age or older (see item e below if there are children under the age of 12);
 - (3) Grandparents;
 - (4) Grandchildren 12 years of age or older (see item e below if there are grandchildren under the age of 12); and
 - (5) Siblings, including half-siblings.
 - d. If the conservator does not know of any spouse or registered domestic partner or second-degree relative of the conservatee, copies of this *Notice* and the appointment order must be mailed to any of the following persons known to the conservator:
 - (1) The spouse or registered domestic partner of a predeceased parent of the conservatee;
 - (2) Children of a predeceased spouse or predeceased registered domestic partner of the conservatee 12 years of age or older (see item e below if there are children under the age of 12);
 - (3) Siblings of the conservatee's parents (that is, the conservatee's aunts and uncles), if any, or, if none, to their natural and adoptive children 12 years of age or older (see item e below if there are children under the age of 12); and
 - (4) The natural and adoptive children of the conservatee's siblings 12 years of age or older (see item e below if there are children under the age of 12).
 - e. If a person named above is under the age of 12, copies of this *Notice* and the appointment order must be mailed to a parent, guardian, or other person having legal custody of the person entitled to notice with whom the person entitled to notice resides.
3. **When the mailing must be completed:** The mailing described in item 1 must be completed on or before the 30th day following the filing date of the order appointing a conservator or a limited conservator.
4. **Fill out Proof of Mailing:** The conservator or the attorney of record must fill out the Proof of Mailing on page 3 of this form, including the correct addresses of the persons to receive the mailing, identified in item 2 above, before making the copies to be mailed. If the Proof of Mailing does not have enough space for the names and addresses of all persons who will receive the mailing, the names and addresses not shown on the Proof of Mailing must be shown on one or more additional pages attached to this form. (*Attachment to Notice of Conservatees' Rights—Probate* (form GC-341(MA)) may be used for this purpose.) After the mailing described in item 5 below, the conservator or the attorney must date and sign the Proof of Mailing on page 3 of this form.
5. **How to mail:** The conservator, the conservator's attorney of record, or an employee of the attorney, must do the following:
 - a. Place copies of this *Notice of Conservatees' Rights—Probate* and conformed copies of the order appointing a conservator (form GC-340) or a limited conservator (form GC-339) in sealed envelopes, addressed to each person at the address shown for that person on the Proof of Mailing on page 3 of this form or on attached additional pages with postage fully prepaid.
 - b. Deposit (mail) the sealed envelopes with the United States Postal Service on the date and from the place (city and state) shown in item 4 of the Proof of Mailing on page 3 of this form.
6. **Filing this form:** The conservator or the attorney of record must file with the court the original *Notice of Conservatees' Rights—Probate* with a signed and dated Proof of Mailing and all attached additional address pages. Do not attach a copy of the order appointing a conservator or a limited conservator when filing the original *Notice of Conservatees' Rights—Probate*.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ <div style="text-align: right; padding-right: 50px;">CONSERVATEE</div>	CASE NUMBER: _____
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ATTACHMENT TO NOTICE OF CONSERVATEES' RIGHTS—PROBATE

(This attachment is for use with form GC-341.)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

<u>Name and relationship to conservatee</u>	<u>Address (number, street, city, state, and zip code)</u>
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	
_____ Relationship: _____	

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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:	
CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name):	CONSERVATEE
PERSONALIZED INFORMATION FOR CONSERVATEE—PROBATE	CASE NUMBER:
TO THE CONSERVATEE The court named above has appointed one or more conservators for you. This form gives the name and contact information of your conservator or conservators; describes your conservatorship; gives the name and contact information of the court investigator and describes the investigator's role and duties; and provides a personalized list of the rights that you keep under the conservatorship and the rights that the court has ordered withheld from you.	

1. a. The conservator of your person estate is (name):
 (address):
 (telephone number): (email address):
- b. The court has appointed a second conservator for you. The conservator of your person estate is (name):
 (address):
 (telephone number): (email address):
- c. The court appointed more than two conservators. The name, contact information, and type of each additional conservator are stated on Attachment 1.
2. Your conservatorship is (check all that apply):
 - a. A conservatorship **of the person**. This means that your conservator has powers and duties to arrange for your health care, make sure you have enough food and clothing, and make sure you live in a safe home.
 - b. A conservatorship **of the estate**. This means that your conservator has powers and duties to manage your money and property for your benefit.
 - c. A **limited** conservatorship. This means that your conservator has only the powers and duties specified in the court's appointment order. The court may have given the limited conservator powers and duties to provide for your personal care, manage your money or property, or both.
3. a. The name and contact information of the court investigator who was initially appointed in your conservatorship are:
 (name):
 (address):
 (telephone number): (email address):
 If you have questions or concerns about the conservatorship or your conservator's actions before an investigator visits, you can contact the investigator above to ask questions or express your concerns.
- b. The court will appoint a court investigator to monitor and review your conservatorship. If your conservatorship goes well, the investigator will visit you within the next 12 months to explain your conservatorship to you; find out whether you want to change your conservator or end the conservatorship; decide whether you still need a conservatorship or need a conservatorship with different powers and rights; check on whether the conservator is managing your living arrangements, personal care, and finances in your best interests; and determine whether you can communicate a desire to vote. After the visit, the investigator will file a report making recommendations to the court.
- c. You may also contact the court investigator if you want to ask the court to end or change your conservatorship. The investigator will inform the judge in your case. The court may then set a hearing or notify your lawyer or, if you don't have a lawyer and do not plan to get one, appoint a lawyer to help you ask the court for the orders you want.

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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4. a. The court's self-help center has a **conservatorship alternatives program**. The program can provide you with information and education about less restrictive alternatives to conservatorship, including supported decision-making agreements.
- b. You can contact the conservatorship alternatives program as shown below:
- (building address): _____
- (mailing address): _____
- (telephone number): _____ (email address): _____
- The program is open from (time): _____ to (time): _____ on (days): _____

YOUR PERSONALIZED LIST OF RIGHTS UNDER THE CONSERVATORSHIP

5. In a conservatorship, you have the right to:
- a. Make and communicate your own informed choices to the greatest extent possible.
 - b. Be informed on a regular basis of the decisions your conservator has made for you.
 - c. Remain as independent as possible and live in the least restrictive setting needed to protect your health and safety.
 - d. Make or change your will.
 - e. Enter into reasonable transactions to provide for your basic needs and those of your children and spouse or domestic partner.
 - f. Have a lawyer to represent you.
 - g. Ask a judge to review your concerns about the conservatorship or your complaints about the actions of your conservator.
 - h. Ask a judge to change your conservator.
 - i. Ask a judge to end your conservatorship.

The court's appointment order grants your conservator powers and modifies your rights as shown below.

Note: Sometimes, the court will grant your conservator the power to make a decision and not withhold or take away your right to make the same decision. That means you can make decisions alone, and your conservator can make decisions alone only if (1) you do not object or (2) there's an emergency.

6. **Powers and rights to provide for your personal care and protect your safety** (check all that apply):

	Conservator has the power	You have this right	You do not have this right	Power or right to:
a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide where you live.
b.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make your health care decisions.
c.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide who takes care of you.
d.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Make decisions about your education.
e.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have visits from family and friends.
f.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive telephone calls.
g.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal mail.
h.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Receive personal email and text messages.
i.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Control who has access to your confidential personal papers.
j.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide whether you reside in a secured perimeter residential care facility.
k.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide whether you take medication to treat major neurocognitive disorders.
l.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide who you can have social and sexual relationships with.
m.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Decide whether you get married or form a domestic partnership.
n.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Register to vote and cast your vote in local, state, and national elections.
o.	<input type="checkbox"/> Other powers or rights with respect to your personal care and safety (describe below): _____			

CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (name): _____ <div style="text-align: right; margin-top: 10px;">CONSERVATEE</div>	CASE NUMBER: _____
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7. Powers and rights to manage your money and property (estate) (check all that apply):

- | | Conservator has the power | You have this right | You do not have this right | Power or right to: |
|----|---|--------------------------|----------------------------|--|
| a. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Directly receive and control your own wages or salary. |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Take possession of and manage your money and property. |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Control who has access to your confidential financial records or papers. |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Make contracts or enter into transactions with your money or property (check one):
<input type="checkbox"/> All contracts and transactions.
<input type="checkbox"/> Only the contracts and transactions described in Attachment 7d. |
| e. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Prosecute, defend, compromise, or settle claims by or against you or your estate (check one):
<input type="checkbox"/> All claims and proceeds.
<input type="checkbox"/> Only the claims and proceeds described in Attachment 7d. |
| f. | <input type="checkbox"/> The court has granted you the right to receive and control an allowance of (amount): _____ of your funds every (time period): _____ for personal expenses. | | | |
| g. | <input type="checkbox"/> Other powers or rights with respect to managing your money or property (describe below): _____ | | | |

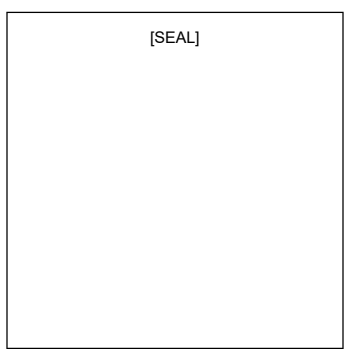
Date:

 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

 (ROLE OR TITLE OF PERSON COMPLETING THIS FORM)

▶

 (SIGNATURE OF PERSON COMPLETING THIS FORM)



CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: _____ Clerk, by _____, Deputy

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Circulate for comment (January 1 cycle)

Title of proposal: Family Law and Protective Orders: Implementation of SB 599 and AB 3072

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

Adopt Cal. Rules of Court, rule 5.252; amend Cal. Stds. Jud. Admin., standard 5.20; adopt forms DV-150 ; revise forms DV-105, DV-120-INFO, DV-140, DV-300-INFO, DV-700-INFO, FL-300-INFO, FL-305, FL-311, FL-324(NP), FL-324(P), FL-341, FL-341(A), FL-355; approve forms DV-105-INFO, FL-311-INFO, and FL-341(F)

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Frances Ho, 415-865-7662, frances.ho@jud.ca.gov; Gabrielle D.Selden, 415-865-8085, gabrielle.selden@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): October 22, 2024; Amended November 26, 2024

Project description from annual agenda: Item 1. Project Summary: As directed by the Judicial Council, review legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee's purview. The committee will review the legislation below, and any other identified legislation, and propose rules and forms as may be appropriate for the council's consideration and will act only where necessary to allow courts to implement the legislation efficiently (Item 1c: AB 3072 (Petrie-Norris) Child custody: ex parte orders (Stats. of 2024, Ch. 317).

Item 5. Project Summary: As directed by the Ad Hoc Workgroup on Post-Pandemic Initiatives (P3), develop materials to ensure that court ordered virtual visitation works effectively when in-person visitation is not feasible. As P3 has noted: Virtual visitation can promote relationships between parents and children and between children and their siblings. Virtual visitation can also help improve (1) co-parenting relationships between foster caregivers and parents working to reunify with their children in the dependency system, (2) co-parenting relationships between parents who have children involved in the juvenile justice system, and (3) coparenting relationships with parents involved in family court matters. In addition, Senate Bill 599 (Stats. of 2023, Ch.493) requires the council to develop standards for supervised visitation providers. The committee will develop a proposal responsive to the P3 directive and SB 599.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

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.)

Two separate proposals to implement SB 599 circulated for public comment from April 2, 2024 to May 3, 2024.

Subsequently, in response to commenters who recommended more significant changes to the domestic violence and family law forms to implement the new laws around virtual visitation, the committee decided to consolidate the two proposals into one and circulate in the current cycle.

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)
This report or invitation to comment was:

(11/1/24)

reviewed by EGG on *(date)* 03/05/2025

approved by Office Director (or Designee) *(name)* Anna Maves, Principal Managing Attorney
on *(date)* 03/10/2025

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-25

Title	Action Requested
Family Law and Protective Orders: Implementation of SB 599 and AB 3072	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rule 5.252; amend Cal. Stds. Jud. Admin., std. 5.20; adopt form DV-150; revise forms DV-105, DV-120-INFO, DV-140, DV-300-INFO, DV-700-INFO, FL-300-INFO, FL-305, FL- 311, FL-324(NP), FL-324(P), FL-341, FL- 341(A), FL-355; approve forms DV-105- INFO, FL-311-INFO, and FL-341(F)	January 1, 2026
	Contact
	Frances Ho, 415-865-7662 frances.ho@jud.ca.gov
	Gabrielle Selden, 415-865-8085 gabrielle.selden@jud.ca.gov
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Tari L. Cody, Cochair	
Hon. Stephanie E. Hulse, Cochair	

Executive Summary and Origin

To implement Senate Bill 599 (Caballero; Stats. 2023, ch. 493) and Assembly Bill 3072 (Petrie-Norris; Stats. 2024, ch. 317), the Family and Juvenile Law Advisory Committee proposes revising domestic violence restraining order and family law forms, adopting a new rule of court, and amending a standard of Judicial Administration. The committee also proposes minor technical changes to two domestic violence information forms.

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

Effective January 1, 2024, SB 599 made a number of changes to Family Code sections 3011, 3100, and 3200 regarding child custody and visitation orders. They included the following:

- For child custody and visitation orders in cases where there are allegations of a history of abuse or substance abuse by a parent, the court must state in writing or on the record that the order “protects the safety of the parties and the child,” in addition to being in the best interest of the children;¹
- When a domestic violence restraining order has been made, the court must consider whether the best interest of the child requires the court to make virtual visitation orders, in addition to considering whether visits should be suspended or denied;²
- Virtual visitation is defined as the “use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. Virtual visitation may be supervised or unsupervised, based on the court’s determination of what is in the best interest of the child”; and³
- If the court finds that a party is living in a domestic violence shelter or other confidential location, the court must consider a number of factors in deciding whether in-person visitation is in the best interest of the children.⁴

Effective January 1, 2025, AB 3072 amended Family Code section 3064 to require the court to consider a parent’s illegal access to firearms or ammunition when deciding whether there is an immediate harm to a child for purposes of modifying a custody or visitation order on an ex parte basis.⁵

Prior Circulation

Two separate proposals to implement SB 599 circulated for public comment from April 2, 2024, to May 3, 2024.⁶ Instead of recommending those proposed revisions with a January 1, 2025, effective date, the committee decided to combine the two proposals into the current proposal. The committee made this decision in response to commenters who suggested more significant changes to the domestic violence and family law forms to implement the new laws around virtual

¹ Fam. Code, § 3011a(2)(B)(5)(A).

² *Id.*, § 3100(b).

³ *Id.*, § 3100(e).

⁴ *Id.*, § 3100(d)(2).

⁵ AB 3072 also amended Family Code section 3100, but those amendments do not require form revisions.

⁶ *Protective Orders: Changes to Domestic Violence Forms to Implement New Laws SB 599 and AB 92* ([SPR24-25](#)), and *Family Law: Child Custody Forms and a Standard of Judicial Administration Under Senate Bill 599* ([SPR24-26](#)).

visitation, and because it wanted to seek comment on two new forms that would be used to document mandatory findings related to child custody and visitation.

The proposal to implement AB 3072 has not previously circulated for comment.

The Proposal

Implementing SB 599 in a rule of court and a standard of judicial administration

To implement SB 599, the committee proposes adopting California Rules of Court, rule 5.252: *Guidelines for developing parenting plans and issuing court orders involving virtual visitation*. The rule would provide guidelines applicable to orders for virtual visitation made in all proceedings under the Family Code. Specifically, the rule would list factors that parents and the court should consider to ensure that parenting plans and orders for virtual visits result in meaningful parenting time (e.g., ensuring that parties have access to technology to enable virtual visitation).

To reflect the amendments to Family Code sections 3100 and 3200 made by SB 599, the committee also proposes amending standard 5.20 of the California Standards of Judicial Administration—*Uniform standards of practice for providers of supervised visitation*—as follows:

- Adding a reference to “virtual visitation” in subdivision (a)(2)(B).
- The definition of “provider” in subdivision (b)(3) would be expanded to include employees designated by the superior court to provide visitation and exchange services or assist with those services;
- Subdivision (b)(7) would be added to define “virtual visitation” as it appears in section 3100; and
- Proposed new subdivision (s) would require professional and nonprofessional providers to consider specific issues and require professional providers to have written policies and procedures in place before commencing virtual visitation services.

In addition to changes that reflect SB 599, the committee proposes reformatting subdivision (a) of the standard to make it easier to read. The committee also proposes a global change to the standard to specify that it applies to supervised exchange services in addition to supervised visitation services. This change would align the standard to Family Code section 3200.5, which is titled “Supervised Visitation and Exchange Services, Education, and Counseling.” To this end, the standard would be amended to replace the reference to “supervised visitation” with “supervised visitation and exchange services.”

Forms for mandatory findings: DV-150, FL-341(F), FL-355

The committee proposes creating two new forms and revising one form to document certain mandatory findings related to child custody and visitation orders, as required by SB 599, AB 3072, and existing law.

If findings are required in a domestic violence restraining order matter, the court would use *Court's Reasons for Child Custody and Visitation Orders* (form DV-150) to record its findings and attach it to any domestic violence restraining order form that includes child custody and visitation orders. *Mandatory Findings for Child Custody and Visitation Attachment* (form FL-341(F)) would be used in the same way as form DV-150 and could be attached to any family law order containing child custody and visitation orders.

Form DV-150 is proposed as a mandatory form to ensure that required findings are properly documented. Additionally, most forms in the DV series are mandatory. Form FL-341(F) is proposed as an optional form that could serve as an attachment for the court to use when relevant in proceedings for dissolution of marriage, legal separation, nullity, custody and support, and proceedings to determine a parental relationship. Making form FL-341(F) an optional form would provide the most flexibility to judicial officers and court professionals, especially to those who currently have a local form or practice to document mandatory findings under Family Code sections 3011, 3044, and 3100. The committee is seeking specific comment about whether forms DV-150 and FL-341(F), if adopted, should be mandatory or optional.

Additionally, the committee proposes revising *Stipulation and Order for Custody and/or Visitation of Children* (form FL-355), which serves as the cover sheet of the parents' agreement about child custody and visitation (parenting time). Parties can attach an agreement to form FL-355. Alternatively, parties may attach any of the Judicial Council order forms that are included as checkboxes in the form.

The proposed changes to form FL-355 would ensure that the parties' stipulation and the order on their stipulation comply with the requirements of SB 599, AB 3072, and existing law in cases that involve allegations of abuse or the habitual or continual illegal use of controlled substances, alcohol, or prescribed controlled substances. To this end, the form would be reformatted to add new headings and a new item 5b on page 1. The form would also be expanded to move the court's findings and order to a new second page. The findings include those findings required if the case involves allegations of abuse or substance abuse, and would also allow the court to indicate in item 5a or 5b that the required findings are attached to form FL-355 or were given at the court hearing on the record.

In addition to the above changes, the committee proposes revising the title of form FL-355 to delete "*Visitation of Children*" and replace it with "*Visitation (Parenting Time)*." This change would make the form consistent with the title of the forms it references.

Changes to child custody and visitation request forms: DV-105, FL-311

To implement SB 599, the committee proposes incorporating virtual visitation as an option for parenting time in two forms. Virtual visitation is added as an option at items 12 and 13b on *Request for Child Custody and Visitation Orders* (form DV-105), and items 3c, 4b, and 6e in *Child Custody and Visitation (Parenting Time) Application Attachment* (form FL-311). For form DV-105, the committee also proposes adding an instruction at item 4 to highlight the importance of completing the item, and to list professional provider information before nonprofessional provider information at item 12.

For form FL-311, the committee proposes additional, substantive changes, to educate form users about child custody and visitation, and improve the user’s experience with completing the form. The changes include:

- Inserting information in a notice box on page 1 about California’s public policies regarding child custody and visitation;
- Adding links to the Self-Help Guide to the California Courts in the information box and item 2 to inform the form user about best interests of the child, domestic violence and child custody, and physical and legal custody and direct the form user to online resources;
- Reformatting item 2, the request for custody, to look more like the request for custody on the petitions and responses to petitions filed in family court;
- Reformatting the table in item 4 to make the proposed visitation (parenting time) schedule easier to complete and read;
- Relocating the request for child custody and visitation (parenting time) for cases involving allegations of a history of abuse or substance abuse from items 2 and 3 to item 5 and consolidating them into one item;
- Renumbering the request for child custody mediation from item 4 to item 10, so that it appears after the complete request for child custody and visitation, and adding information about mandatory mediation and the ability of a party to ask for separate sessions at separate times for cases involving domestic violence; and
- Expanding the form from 4 to 5 pages to accommodate the new content.

Changes to child custody and visitation order forms: DV-140, FL-341, FL-341(A)

For order forms, the committee proposes adding virtual visitation at items 9e, 10d, 12, and 13 on *Child Custody and Visitation Order* (form DV-140), item 9e in *Child Custody and Visitation (Parenting Time) Order Attachment* (form FL-341), and item 6a(2) on *Supervised Visitation Order* (form FL-341(A)).

The committee also proposes additional changes to form DV-140, which include:

- Indicating that the form may be used as an attachment to form DV-310, by adding a checkbox at the top of the form;
- Making professional and nonprofessional supervised visitation separate items (items 9 and 10);
- Adding an option to name an alternate provider for professional supervised visitation, in the event that the chosen provider is unavailable (item 9b(1));
- Adding an option for the court to indicate that a party or parties were provided with a list of supervised visitation providers (item 9b(2));
- Removing the space (at items 7c and 11a of the existing form DV-140) for the court’s reasons for granting sole custody, joint custody, or unsupervised visits to the restrained person as this information is now contained on proposed form DV-150;
- Adding *Mandatory Findings*, at item 14, for the court to indicate whether these findings were made on the record or in writing on form DV-150;
- Revising the instruction at item 15; and
- Adding *Criminal Protective Order*, at item 16, to allow the court to list any relevant criminal protective orders, as required under Family Code section 3100(c).

The committee proposes additional changes to form FL-341, which include:

- Revising the order for the parties to attend mediation in item 6 to accommodate courts that do not specify the exact date, time, and location of the mediation on the order.
- Adding item 7b to allow the parties to attach *Joint Legal Custody Attachment* (form FL-341(E)) or Attachment 7b to discuss joint legal custody;
- Adding a reference to proposed new form FL-341(F) in item 8;
- Reformatting item 9 regarding visitation to match the formatting in form FL-311.

The proposed additional changes to form FL-341(A) include:

- Adding checkboxes below the title in the header to allow the court to specify whether the form is an attachment to form FL-341 or to another form;
- At item 4, changing the checkbox for “Supervised exchange only” by deleting “only” to allow the court to order both supervised visitation and supervised exchange services;
- Adding new item 6 to address the location and schedule of the visits; and

- Removing the line for the date and signature of the judicial officer to reflect that the form is an attachment to an order (and that the order itself will contain the judicial officer’s signature). This change would avoid redundancy in the process of making court orders. As to this specific proposed change, the committee seeks specific comment.

Changes to implement AB 3072: forms DV-120-INFO, FL-300-INFO, FL-305

To implement AB 3072, the committee proposes revising several forms.

How Can I Respond to a Request for Domestic Violence Restraining Order? (form DV-120-INFO) would be revised to include information about the impact of a parent having illegal access to firearms or ammunition on custody and visitation orders.⁷

Information Sheet for Request for Order (form FL-300-INFO) would be updated at item 9 to clarify the definition of “immediate harm to a child” and specify that, under AB 3072, the court must consider if a parent has illegal access to firearms or ammunition when deciding if there is immediate harm to a child. Other, minor changes are proposed at items 3d and 3g to indicate that a form listed may or may not be one that a party is required to file.

The committee proposes revising items 2 and 3 of *Temporary Emergency (Ex Parte) Orders* (form FL-305) to more clearly state the requirements under Family Code section 3064 when the court is determining that the party has shown immediate harm to a child that requires temporary emergency orders to protect the child or children. Item 3a would provide checkboxes that correlate to section 3064, which would include the consideration that a party has illegal access to firearms or ammunition. The orders relating to child abduction prevention would be moved from item 3d on the current form to item 3b to emphasize that the court may also make temporary emergency orders for child custody under section 3064 if there is an immediate risk that the child will be removed from the State of California.

New INFO forms on child custody and visitation: DV-105-INFO, FL-311-INFO

The committee proposes new information forms on child custody and visitation orders for the DV and FL form series. Commenters in a previous forms proposal suggested adoption of this type of information sheet, which the committee agreed would be beneficial to parties. In addition, the information sheets respond to the direction of the Ad Hoc Workgroup on Post-Pandemic Initiatives that the Judicial Council develop materials to ensure that court-ordered virtual visitation works effectively when in-person visitation is unfeasible.⁸

In domestic violence cases, it is particularly important for parties to be informed of the various options for visitation (e.g., supervised visits, supervised exchanges) and laws around child

⁷ Note that the committee is also proposing to add information to implement AB 2759 on form DV-120-INFO. That proposal, *Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759*, is available at courts.ca.gov/policy-administration/invitations-comment.

⁸ Judicial Council of Cal., Advisory Com. Agenda., *Family and Juvenile Law Advisory Committee Annual Agenda—2025* (Oct. 22, 2024), item 5, www.courts.ca.gov/documents/famjuv-annual.pdf.

custody. *Asking for Child Custody and Visitation Orders*, form DV-105-INFO, would provide this information and would include information on virtual visitation. Additionally, to implement AB 3072, form DV-105-INFO would include information about the impact of a parent having illegal access to firearms or ammunition on custody and visitation orders.

For family law cases, *What Are Visitation or Parenting Time Orders?* (form FL-311-INFO) would help educate parties and court professionals about four types of visitation orders and would define *virtual visitation* and other terms. This proposed form also includes links to existing information sheets relating to child custody, because the information is also essential for parties' understanding of how to develop parenting plans or request court orders. Finally, it includes links to form DV-105-INFO and resources to legal help, as well as a worksheet for parents to use to help plan for virtual visits with their children, whether or not they are supervised by court order.

Other forms that require changes: DV-300-INFO, DV-700-INFO, FL-324(NP), FL-324(P)

In addition to the proposed form revisions to implement SB 599 and AB 3072, the committee proposes minor revisions to four forms.

The committee proposes minor revisions to form DV-300-INFO as follows:

- On page 3, first and second paragraph of step 4, refer to form DV-310, item 5d, instead of form DV-310, item 4c;
- On page 3, first paragraph of step 4, instruct the restrained person to use form FL-330, *Proof of Personal Service*, instead of form DV-200, which can only be used by the protected person; and
- On page 3, second paragraph of step 4, add the form title for form DV-250.

Form DV-700-INFO also requires a minor change. On page 1, under the paragraph “What if I want to change (Modify) my restraining order?,” the reader should be directed to form DV-300-INFO instead of DV-400-INFO. The latter was revoked and replaced with form DV-300-INFO, which outlines the new process for requesting a change to a domestic violence restraining order.

The committee also proposes a global change to *Declaration of Supervised Visitation Provider (Nonprofessional)* (form FL-324(NP)) and *Declaration of Supervised Visitation Provider (Professional)* (form FL-324(P)) to specify that they apply to supervised exchange services, as well as to supervised visitation services. This change is consistent with the changes being proposed to standard 5.20 of the Standards of Judicial Administration.

Alternatives Considered

For forms DV-150 and FL-341(F), the committee considered developing a single joint form that could be used in the DV and FL series. However, the committee rejected that approach as the

form sets refer to parties in different ways (i.e., protected and restrained persons for DV forms, and petitioner and respondent for FL forms).

The committee considered whether *Mandatory Findings for Child Custody and Visitation Attachment* (form FL-341(F)) should be proposed as an optional or mandatory form. In its discussion, the committee noted that the form is designed as an attachment to at least four other Judicial Council forms because it could be used in proceedings for dissolution of marriage, legal separation, nullity, custody and support, and proceedings to determine a parental relationship. Proposing the form as an optional form would provide the most flexibility to judicial officers and court professionals. It would also help to prevent any unintended consequences of mandating a new attachment form when the committee has not had the opportunity to fully assess the impact it might have on the many different types of family court proceedings in which the form would potentially be used.

Taking no action was not considered because the Judicial Council is required to update rules and forms, as needed, to reflect the law.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the new and revised forms and rules. Courts will also incur costs to incorporate the forms into paper and electronic processes.

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?
- Should the proposed attachment form, DV-150, be adopted as a mandatory form for use in domestic violence restraining order matters, or should it be an optional form?
- Should proposed attachment form FL-341(F) be adopted as a mandatory form for use in family law matters, or should it be an optional form?
- Should form FL-341(A) be revised to remove the date and signature line for the judicial officer because the form is an attachment to an order? Would there be any unintended consequences of removing this content? (Please explain your answer.)

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 two 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. Cal. Rules of Court, rule 5.252, at pages 11–12
2. Cal. Stds. Jud. Admin., std. 5.20, at pages 13–24
3. Forms DV-105, DV-105-INFO, DV-120-INFO, DV-140, DV-150, DV-300-INFO, DV-700-INFO, FL-300-INFO, FL-305, FL-311, FL-311-INFO, FL-324(NP), FL-324(P), FL-341, FL-341(A), FL-341(F), FL-355, at pages 25–82
4. Link A: Sen. Bill 599,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB599
5. Link B: Assem. Bill 3072,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB3072

Rule 5.252 of the California Rules of Court would be adopted, effective January 1, 2026, to read:

1
2 **Chapter 8. Child Custody and Visitation (Parenting Time) Proceedings**

3
4 **Article 6. Virtual Visitation**

5
6
7 **Rule 5.252. Guidelines for developing parenting plans and issuing court orders**
8 **involving virtual visitation**

9
10 **(a) Application**

11
12 (1) This rule applies to orders for virtual visitation made in proceedings under the
13 Family Code.

14
15 (2) Virtual visitation is defined in Family Code section 3100(e).

16
17 **(b) Guidelines**

18
19 In determining whether virtual visitation is in the best interest of the child, judicial
20 officers and parties developing parenting plans should consider:

21
22 (1) Potential safety concerns, especially in cases involving domestic violence and
23 abuse;

24
25 (2) The child's age and the child's capacity to participate in virtual visits;

26
27 (3) The ability of the following persons to access the technology required to
28 participate in, or implement, virtual visitation (for example, a computer
29 smartphone, laptop, desktop, or tablet, and an internet connection sufficient to
30 allow for use of applications for audiovisual communications):

31
32 (A) The parents;

33
34 (B) The child; and

35
36 (C) The person providing, facilitating, or monitoring the virtual visits.

37
38 (4) The provider's experience and training with using remote technology to
39 facilitate virtual visits;

40
41 (5) Information provided by any:
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- (A) Child participating in the proceeding under Family Code section 3042;
 - (B) Attorney appointed to represent the child;
 - (C) Child custody recommending counselor authorized to provide recommendations under Family Code section 3183(a);
 - (D) Child custody mediator authorized to communicate with the court about the case under Family Code section 216 and rule 5.235 of the California Rules of Court;
 - (E) Child custody evaluator under Family Code section 3111; or
 - (F) Other person legally authorized to represent the child.
- (6) Any other factors or information that weigh in favor of or against ordering virtual visitation as part of the parenting plan or court order.

Standard 5.20 of the California Standards of Judicial Administration would be amended, effective January 1, 2026, to read:

1 **Standard 5.20. Uniform standards of practice for providers of supervised visitation**
2 **and exchange services**

3
4 (a) **Scope of service Application and goals**

5
6 This standard defines the standards of practice, including duties and obligations, for
7 providers of supervised visitation under Family Code sections 3200 and 3200.5.
8 Unless specified otherwise, the standards of practice are designed to apply to all
9 providers of supervised visitation, whether the provider is a friend, relative, paid
10 independent contractor, employee, intern, or volunteer operating independently or
11 through a supervised visitation center or agency. The goal of these standards of
12 practice is to assure the safety and welfare of the child, adults, and providers of
13 supervised visitation. Once safety is assured, the best interest of the child is the
14 paramount consideration at all stages and particularly in deciding the manner in
15 which supervision is provided. Each court is encouraged to adopt local court rules
16 necessary to implement these standards of practice.
17

18 (1) This standard defines the standards of practice for providers of supervised
19 visitation and exchange services, including the duties and obligations for
20 providers of supervised visitation and exchange services under Family Code
21 sections 3200 and 3200.5.

22
23 (2) Unless specified otherwise, the standards of practice are designed to apply to:

24
25 (A) All providers of supervised visitation and exchange services, whether
26 the provider is a friend, relative, paid independent contractor,
27 employee, intern, or volunteer operating independently or through a
28 supervised visitation and exchange services center or agency.

29
30 (B) Supervised visitation that occurs by the use of audiovisual electronic
31 communication (known as “virtual visitation,” as defined in (b)(7)).

32
33 (3) The goal of these standards of practice is to assure the safety and welfare of
34 the child, adults, and providers of supervised visitation and exchange
35 services. Once safety is assured, the best interest of the child is the paramount
36 consideration at all stages and particularly in deciding the manner in which
37 supervision is provided.

38
39 (4) Each court is encouraged to adopt local court rules necessary to implement
40 these standards of practice.
41
42

1 (b) **Definition**

2
3 For purposes of this standard, the following definitions apply:

- 4
- 5 (1) A “nonprofessional provider,” as defined in Family Code section 3200.5, is
6 any person who is not paid for providing supervised visitation and exchange
7 services.
8
- 9 (2) A “professional provider,” as defined in Family Code section 3200.5, is any
10 person who is paid for providing supervised visitation and exchange services,
11 or an independent contractor, employee, intern, or volunteer operating
12 independently or through a supervised visitation and exchange services center
13 or agency.
14
- 15 (3) A “provider,” as defined in Family Code section 3200, includes any
16 individual who functions as a visitation and exchange services monitor, as
17 well as supervised visitation centers. A provider may also include those
18 employees and contractors designated by the superior court to provide
19 supervised visitation and exchange services or assistance with those services.
20
- 21 (4) “Supervised visitation” is contact between a noncustodial party and one or
22 more children in the presence of a neutral third person.
23
- 24 (5) “Exchange services” or “exchanges” means the transfer of the child from one
25 party to another by a professional or nonprofessional provider for the purpose
26 of implementing a court order for visitation (parenting time).
27
- 28 ~~(5)~~(6) A “TrustLine provider,” is a professional provider of supervised visitation
29 and exchange services ~~provider~~ who is registered on TrustLine, a database
30 that is administered by the California Department of Social Services.
31
- 32 ~~(6)~~(7) “Virtual Visitation,” as defined in Family Code section 3100, means use of
33 audiovisual electronic communication tools to provide contact between a
34 parent and their children as part of a parenting plan or custody order. Virtual
35 visitation may be supervised or unsupervised, based on the court’s
36 determination of what is in the best interest of the child, but is not a means to
37 implement exchange services.
38

39 (c) **Type of provider**

40
41 Who provides the supervision and the manner in which supervision is provided
42 depends on different factors, including local resources, the financial situation of the
43 parties, and the degree of risk in each case. While the court makes the final decision

1 as to the manner in which supervision is provided and any terms or conditions, the
2 court may consider recommendations by the attorney for the child, the parties and
3 their attorneys, Family Court Services staff, evaluators, and therapists. As specified
4 in Family Code section 3200.5, in any case in which the court has determined that
5 there is domestic violence or child abuse or neglect, as defined in section 11165.6
6 of the Penal Code, and the court determines supervision is necessary, the court
7 must consider whether to use a professional or nonprofessional provider based on
8 the child's best interest.

9
10 **(d) Qualifications of nonprofessional providers**

- 11
12 (1) Unless otherwise ordered by the court or stipulated by the parties, the
13 nonprofessional provider must:
- 14
15 (A) Have no record of a conviction for child molestation, child abuse, or
16 other crimes against a person;
 - 17
18 (B) Have proof of automobile insurance if transporting the child;
 - 19
20 (C) Have no current or past court order in which the provider is the person
21 being supervised; and
 - 22
23 (D) Agree to adhere to and enforce the court order regarding supervised
24 visitation and exchange services.
- 25
26 (2) Unless otherwise ordered by the court or stipulated by the parties, the
27 nonprofessional provider should:
- 28
29 (A) Be 21 years of age or older;
 - 30
31 (B) Have no record of conviction for driving under the influence (DUI)
32 within the last 5 years;
 - 33
34 (C) Not have been on probation or parole for the last 10 years;
 - 35
36 (D) Have no civil, criminal, or juvenile restraining orders within the last 10
37 years; and
 - 38
39 (E) Not be financially dependent on the person being supervised.
- 40
41 (3) Sign a local court form or *Declaration of Supervised Visitation and Exchange*
42 *Services Provider (Nonprofessional)* (form FL-324(NP)) stating that all
43 requirements to be a nonprofessional provider have been met.

1
2 **(e) Qualifications of professional providers**

3
4 The professional provider must:

- 5
6 (1) Be 21 years of age or older;
7
8 (2) Have no record of conviction for driving under the influence (DUI) within
9 the last 5 years;
10
11 (3) Not have been on probation or parole for the last 10 years;
12
13 (4) Have no record of a conviction for child molestation, child abuse, or other
14 crimes against a person;
15
16 (5) Have proof of automobile insurance if transporting the child;
17
18 (6) Have no civil, criminal, or juvenile restraining orders within the last 10 years;
19
20 (7) Have no current or past court order in which the provider is the person being
21 supervised;
22
23 (8) Be able to speak the language of the party being supervised and of the child,
24 or the provider must provide a neutral interpreter over the age of 18 who is
25 able to do so;
26
27 (9) Agree to adhere to and enforce the court order regarding supervised visitation
28 and exchange services;
29
30 (10) Complete a Live Scan criminal background check, at the expense of the
31 provider or the supervised visitation and exchange services center or agency,
32 before providing visitation and exchange services;
33
34 (11) Be registered as a TrustLine provider under chapter 3.35 (commencing with
35 section 1596.60) of division 2 of the Health and Safety Code.
36 Notwithstanding any other law, a person is ineligible to be a professional
37 provider if the California Department of Social Services either:
38
39 (A) Denies that person's TrustLine registration under Health and Safety
40 Code sections 1596.605 or 1596.607; or
41
42 (B) Revokes that person's TrustLine registration under Health and Safety
43 Code section 1596.608;

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- (12) Meet the training requirements listed in (f);
- (13) Sign a *Declaration of Supervised Visitation and Exchange Services Provider (Professional)* (form FL-324(P)) stating that all requirements to be a professional provider have been met; and
- (14) Sign a separate, updated form FL-324(P) each time the professional provider submits a report to the court.

(f) Training for professional providers

- (1) Before providing services, professional providers must complete 24 hours of training, including at least 12 hours of classroom instruction in the following subjects:
 - (A) The role of a professional provider;
 - (B) Child abuse reporting laws;
 - (C) Record-keeping procedures;
 - (D) Screening, monitoring, and termination of visitation;
 - (E) Developmental needs of children;
 - (F) Legal responsibilities and obligations of a provider;
 - (G) Cultural sensitivity;
 - (H) Conflicts of interest, including the acceptance of gifts;
 - (I) Confidentiality;
 - (J) Issues relating to substance abuse, child abuse, sexual abuse, and domestic violence, including safety considerations for virtual visitation; and
 - (K) Basic knowledge of family and juvenile law.
- (2) Of the 24 hours of training required in (1), the training must include at least:
 - (A) Three hours on the screening, monitoring, and termination of visitation;

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- (B) Three hours on the developmental needs of children;
- (C) Three hours on issues relating to substance abuse, child abuse, sexual abuse, and domestic violence; and
- (D) One hour on basic knowledge of family law.

(3) On or after January 1, 2021, to complete the required training in child abuse reporting laws under (1)(B), a professional provider must complete an online training required for mandated reporters that is provided by the California Department of Social Services. This mandatory online training is not intended to increase the total of 24 hours of training required in (1).

(g) Safety and security procedures

All providers must make every reasonable effort to assure the safety and welfare of the child and adults during the visitation and exchange services. Professional providers should establish a written protocol, with the assistance of the local law enforcement agency, that describes the emergency assistance and responses that can be expected from the local law enforcement agency. In addition, the professional provider should:

- (1) Establish and state in writing minimum security procedures and inform the parties of these procedures before the commencement of supervised visitation and exchange services;
- (2) Conduct comprehensive intake and screening to understand the nature and degree of risk for each case. The procedures for intake should include separate interviews with the parties before the first visit and exchange. During the interview, the provider should obtain identifying information and explain the reasons for temporary suspension or termination of a visit under this standard. If the child is of sufficient age and capacity, the provider should include the child in part of the intake or orientation process. Any discussion should be presented to the child in a manner appropriate to the child’s developmental stage;
- (3) Obtain during the intake process:
 - (A) Copies of any protective order;
 - (B) Current court orders;

1 (C) Any Judicial Council form relating to orders for supervised visitation
2 and exchange services ~~orders~~;

3
4 (D) A report of any written records of allegations of domestic violence or
5 abuse; and

6
7 (E) An account of the child's health needs if the child has a chronic health
8 condition; and

9
10 (4) Establish written procedures that must be followed in the event a child is
11 abducted during supervised visitation and exchange services.

12
13 **(h) Ratio of children to provider**

14
15 The ratio of children to a professional provider must be contingent on:

16
17 (1) The degree of risk factors present in each case;

18
19 (2) The nature of supervision required in each case;

20
21 (3) The number and ages of the children to be supervised during a visit and
22 exchange;

23
24 (4) The number of people, as provided in the court order, visiting the child
25 during the visit and exchange;

26
27 (5) The duration and location of the visit and exchange; and

28
29 (6) The experience of the provider.

30
31 **(i) Conflict of interest**

32
33 All providers should maintain neutrality by refusing to discuss the merits of the
34 case or agree with or support one party over another. Any discussion between a
35 provider and the parties should be for the purposes of arranging visitation and
36 exchange services, as well as providing for the safety of the children. In order to
37 avoid a conflict of interest, the professional provider should not:

38
39 (1) Be financially dependent on the person being supervised;

40
41 (2) Be an employee of the person being supervised;

- 1 (3) Be an employee of or affiliated with any superior court in the county in
2 which the supervision is ordered unless specified in the employment contract;
3 or
4
5 (4) Be in an intimate relationship with the person being supervised.
6

7 **(j) Maintenance and disclosure of records for professional providers**
8

- 9 (1) Professional providers must keep a record for each case, including the
10 following:
11
12 (A) A written record of each contact, ~~and~~ visit, and exchange;
13
14 (B) Who attended the visit and exchange;
15
16 (C) Any failure to comply with the terms and conditions of the visitation
17 and exchange services; and
18
19 (D) Any incidence of abuse as required by law.
20
21 (2) Case recordings should be limited to facts, observations, and direct
22 statements made by the parties, not personal conclusions, suggestions, or
23 opinions of the provider. All contacts by the provider in person, in writing, or
24 by telephone with either party, the children, the court, attorneys, mental
25 health professionals, and referring agencies should be documented in the case
26 file. All entries should be dated and signed by the person recording the entry.
27
28 (3) If ordered by the court or requested by either party or the attorney for either
29 party or the attorney for the child, a report about the supervised visit and
30 exchange must be produced. These reports should include facts, observations,
31 and direct statements and not opinions or recommendations regarding future
32 visitation and exchanges. The original report must be sent to the court if so
33 ordered, or to the requesting party or attorney, and copies should be sent to
34 all parties, their attorneys, and the attorney for the child.
35
36 (4) Any identifying information about the parties and the child, including
37 addresses, telephone numbers, places of employment, and schools, is
38 confidential, should not be disclosed, and should be deleted from documents
39 before releasing them to any court, attorney, attorney for the child, party,
40 mediator, evaluator, mental health professional, social worker, or referring
41 agency, except as required in reporting suspected child abuse.
42

1 **(k) Confidentiality**

2
3 Communications between parties and providers of supervised visitation and
4 exchange services are not protected by any privilege of confidentiality. Professional
5 providers should, whenever possible, maintain confidentiality regarding the case
6 except when:

- 7
8 (1) Ordered by the court;
9
10 (2) Subpoenaed to produce records or testify in court;
11
12 (3) Requested to provide information about the case by a mediator or evaluator
13 in conjunction with a court-ordered mediation, investigation, or evaluation;
14
15 (4) Required to provide information about the case by Child Protective Services;
16 or
17
18 (5) Requested to provide information about the case by law enforcement.

19
20 **(l) Delineation of terms and conditions**

21
22 The provider bears the sole responsibility for enforcement of all the terms and
23 conditions of any supervised visitation and exchange services. Unless otherwise
24 ordered by the court, the provider should implement the following terms and
25 conditions:

- 26
27 (1) Monitor conditions to assure the safety and welfare of the child;
28
29 (2) Enforce the frequency and duration of the visits and exchanges as ordered by
30 the court;
31
32 (3) Avoid any attempt to take sides with either party;
33
34 (4) Ensure that all contact between the child and the noncustodial party is within
35 the provider's hearing and sight at all times, and that discussions are audible
36 to the provider;
37
38 (5) Speak in a language spoken by the child and the noncustodial party;
39
40 (6) Allow no derogatory comments about the other parent, his or her family,
41 caretaker, child, or child's siblings;
42
43 (7) Allow no discussion of the court case or possible future outcomes;

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- (8) Allow neither the provider nor the child to be used to gather information about the other party or caretaker or to transmit documents, information, or personal possessions;
- (9) Allow no spanking, hitting, or threatening the child;
- (10) Allow no visits and exchanges to occur while the visiting party appears to be under the influence of alcohol or illegal drugs;
- (11) Allow no emotional, verbal, physical, or sexual abuse;
- (12) Allow no contact between the custodial and noncustodial parents unless ordered by the court; and
- (13) Ensure that the parties follow any additional rules stated by the provider or the court.

(m) Safety considerations for sexual abuse cases

In cases where there are allegations of sexual abuse, in addition to the requirements of (l), the provider should comply with the following terms and conditions, unless otherwise ordered by the court:

- (1) Allow no exchanges giving or receiving of gifts, money, or cards;
- (2) Allow no photographing, audiotaping, or videotaping of the child;
- (3) Allow no physical contact with the child such as lap sitting, hair combing, stroking, hand holding, hugging, wrestling, tickling, horseplaying, changing diapers, or accompanying the child to the bathroom;
- (4) Allow no whispering, passing notes, hand signals, or body signals; and
- (5) Allow no supervised visitation and exchange services in the location where the alleged sexual abuse occurred.

(n) Legal responsibilities and obligations of a provider

All nonprofessional providers of supervised visitation and exchange services should, and all professional providers must:

- 1 (1) Advise the parties before commencement of supervised visitation and
2 exchange services that no confidential privilege exists;
3
4 (2) Report suspected child abuse to the appropriate agency, as provided by law,
5 and inform the parties of the provider’s obligation to make such reports; and
6
7 (3) Suspend or terminate visitation and exchanges under (p).
8

9 **(o) Additional legal responsibilities of professional providers**

10 In addition to the legal responsibilities and obligations required in (n), professional
11 providers must:
12

- 13
14 (1) Prepare a written contract to be signed by the parties before commencement
15 of the supervised visitation and exchange services. The contract should
16 inform each party of the terms and conditions of supervised visitation and
17 exchange services; and
18
19 (2) Review custody and visitation orders relevant to the supervised visitation and
20 exchange services.
21

22 **(p) Temporary suspension or termination of supervised visitation and exchange**
23 **services**

- 24
25 (1) All providers must make every reasonable effort to provide a safe visit and
26 exchange for the child and the noncustodial party.
27
28 (2) However, if a provider determines that the rules of the visit and exchange
29 have been violated, the child has become acutely distressed, or the safety of
30 the child or the provider is at risk, the visit and exchange may be temporarily
31 interrupted, rescheduled at a later date, or terminated.
32
33 (3) All interruptions or terminations of supervised visits and exchanges must be
34 recorded in the case file.
35
36 (4) All providers must advise ~~both~~ all parties of the reasons for interruption or
37 termination of a visit and exchange.~~or termination.~~
38

39 **(q) Additional requirements for professional providers**

40 Professional providers must state the reasons for temporary suspension or
41 termination of supervised visitation and exchange services in writing and provide
42

1 the written statement to both parties, their attorneys, the attorney for the child, and
2 the court.

3
4 **(r) Informational materials; procedures**

5
6 (1) Each court is encouraged to make available to all providers informational
7 materials about the role of a provider, the terms and conditions of supervised
8 visitation and exchange services, and the legal responsibilities and
9 obligations of a provider under this standard.

10
11 (2) By January 1, 2022, each court must develop and adopt local rules that
12 establish procedures for processing and maintaining:

13
14 (A) *Declaration of Supervised Visitation and Exchange Services Provider*
15 *(Professional)* (form FL-324(P)), along with the professional provider's
16 original report required in (j)(3) of this standard; and

17
18 (B) The declaration regarding qualification of the nonprofessional provider
19 of supervised visitation and exchange services ~~provider's declaration~~
20 ~~regarding qualifications~~, whether the provider uses the court's local
21 form or *Declaration of Supervised Visitation and Exchange Services*
22 *Provider (Nonprofessional)* (form FL-324(NP)).

23
24 **(s) Virtual visitation services**

25
26 (1) Before the commencement of supervised visitation, the professional and
27 nonprofessional provider must consider:

28
29 (A) The safety and privacy of the parties and the child if the case involves
30 domestic violence and sexual abuse, including whether the party or
31 child should have a private location;

32
33 (B) How the virtual visitation can be conducted in a manner that is age
34 appropriate and based on the developmental needs of the child; and

35
36 (C) What the party will need, including audiovisual equipment or internet
37 access, to ensure safe virtual visitation.

38
39 (2) Before the commencement of supervised visitation, professional providers
40 must have written policies and procedures in place and must give the parties a
41 copy of the written policies. The written policies must include information
42 about the provider's qualifications, experience, and understanding of how
43 remote technology works.

DV-105

Request for Child Custody and Visitation Orders

Case Number: _____

Instructions: Use this form to request orders for children you have with the person in ②. For more information on the orders you can request, read form [DV-105-INFO](#), *Asking for Child Custody and Visitation Orders?*

This form is attached to form DV-100.

1 Your Information

Name: _____

Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Person You Want Protection From

Name: _____

Relationship to children: Parent Legal Guardian Other (*describe*): _____

3 Children Under 18 Years Old (*for children you have with the person in ②, list from oldest to youngest*)

a. Name: _____ Date of birth: _____

b. Name: _____ Date of birth: _____

c. Name: _____ Date of birth: _____

d. Name: _____ Date of birth: _____

(*Check here if you need more space. Write "DV-105, Children" at the top and attach it to this form.*)

4 City and State Where Children Lived (*If you do not complete this section, the judge may not be able to make custody and visitation orders.*)

a. Have all the children listed in ③ lived together for the last five years?

No (*If no, complete form DV-105(A). Do not complete the section below.*)

Yes (*If yes, complete the section below.*)

b. List where the children have lived for the last five years. Start with their current location.

Dates (month/year)		City and State (include tribal land, if applies)	Children lived with (check all that apply):		
From:	To present		Me	Person in ②	Other (relationship to child)
From: _____	To present	<input type="checkbox"/> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
		<input type="checkbox"/> Check here if this address is private (confidential). List the state only.			
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____
From: _____	Until: _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> _____

This is not a Court Order.



5 History of Court Cases Involving Your Children

a. Do you know about any other case involving any child listed in 3?

- No
Yes (Complete the section below):

(Check all that apply. List where it was filed (city, state, or tribe), year it was filed, and case number, if known.)

- Custody
Divorce
Juvenile Court (child welfare, juvenile justice)
Guardianship
Criminal
Other (example: child support case)

b. Is there a current order for custody or visitation in effect?

- No
Yes (Complete the section below):

What did the judge order? (Examples: who has custody of the children and what is the visitation schedule)

Blank lines for writing the judge's order details.

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

Why do you want to change the order?

Blank lines for writing reasons to change the order.

c. If there is another parent or legal guardian besides you and the person in 2, list their information below.

Name: Parent Legal Guardian

This is not a Court Order.



Orders a Judge Can Make to Protect Your Children

To ask for orders to protect your children, answer the questions below.

6 Do you want to limit where the person in 2 can travel with your children?

- No
 Yes (*Complete the section below*):

I ask the judge to order that the person in 2 must have written permission from me, or a court order, to take the children outside:

- The county of (*list*): _____
 California
 Other places (*list*): _____

7 Do you want the person in 2 to have access to the children's records or information?

- Yes
 No (*Complete the section below*):

a. I ask the judge to order that the person in 2 **not** access or have access to the records or information for:

- All the children listed in 3.
 Only the children listed here (*names*): _____

b. For the following records or information (*check all that apply*):

- Medical, dental, and mental health
 School and daycare
 Extracurricular activity, including summer camps and sports teams
 Child's employment (including volunteer and unpaid positions)
 Other (*describe*): _____

(If the judge makes this order, providers will not be able to release the protected information to the person in 2.)

8 Do you believe the person in 2 might abduct (kidnap) your children?

- No
 Yes (To ask for orders to help prevent abduction, you must complete form [DV-108](#), *Request for Orders to Prevent Child Abduction*, and attach it to this form.)

This is not a Court Order.



Child Custody

You can ask a judge to make custody orders for your children. There are two types of custody in California: legal and physical custody.

- **Legal custody** means the person that makes decisions about the child's health, education, and welfare.
 - **Physical custody** means the person that the child regularly lives with.
- For both types of custody, parents can share custody (joint) or one parent can have full custody (sole).

9 Do you want the judge to make child custody orders?

- No
- Yes (*Complete the section*):

Legal Custody (*check one*):

- Sole to me
- Sole to person in ②
- Jointly (shared) by me and person in ②.
- Other (*describe*):
- _____

Physical Custody (*check one*):

- Sole to me
- Sole to person in ②
- Jointly (shared) by me and person in ②.
- Other (*describe*):
- _____

Visitation (Parenting Time) with Children

You can ask a judge to make decisions about when your child spends time with the person in ②. This is called parenting time or visitation. It means the schedule and exact times each parent spends with the child. If a parent does not get custody, that parent can have parenting time (visitation) with the child if a judge believes it is safe and in the child's best interest. Answer the questions below to tell the judge what parenting time you want right now for person in ②. Any orders the judge makes are temporary for now. They last until the court date (about three weeks away). On your court date, the judge can change or extend the orders.

10 Do you want the person in ② to have visits (parenting time) with the children?

- No, I ask the judge to order that person in ② have no visits. (*Stop here. You have finished completing this form.*)
- Yes (*Go to 11.*)

11 Do you want visits with the children to be supervised (monitored) by a third-party?

(To learn about supervised visitations, go to selfhelp.courts.ca.gov/guide-supervised-visitations.)

- Yes (*Go to 12.*)
- No (*Go to 13.*)

This is not a Court Order.



12 Details of Supervised (Monitored) Visits

a. Who do you want to supervise the visits? (check one):

(1) Professional (list name, if known): _____

Professional fees paid by: Me _____ % Person in ② _____ % Other: _____ %

(2) Nonprofessional, like a trusted relative or friend (list name, if known): _____

b. Location of visits (check one): In person at safe location Virtual visit (not in person)

Other (describe): _____

c. How often and how long should the visits be? (check one):

Once a week, for (number of hours): _____

Twice a week, for (number of hours): _____ each visit.

Other (describe): _____

Check here if you want to use the chart listed below for a schedule. ----->

Schedule for Supervised Visits		Virtual visit with person in ②	Person to bring children to and from visit (or make available for virtual visit)	Location of drop-off/pick-up
Time				
Monday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Tuesday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Wednesday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Thursday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Friday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Saturday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Sunday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			

Follow the schedule listed above (check one):
 Every week Every other week Other _____

Start date for visits (month, day, year) _____

! (If you completed ⑫, you are done completing this form. Do not complete ⑬.)

This is not a Court Order.



13 Details of Unsupervised Visits

a. If the judge allows the person in ② to have unsupervised visits with your children, you will have to tell the judge how you want to handle drop-off and pick-up of the children, also called child exchanges. Do you want child exchanges to be supervised by a third-party?

No Yes (Complete the section below):

Who do you want to supervise the exchanges? (check one):

Nonprofessional, like a trusted relative or friend (list name, if known): _____

Professional (list name, if known): _____

Professional fees paid by: Me _____ % Person in ② _____ % Other: _____ %

b. Parenting time you want the person in ② to have with the children.

(1) Location of visits (check one): In person at safe location Virtual visit (not in person)

Other (describe): _____

(2) Give details including when visits will happen, how often the visits should be, and who will be responsible for transporting the children. (Use the lines or chart below):

Schedule for Unsupervised Visits		Virtual visit with person in ②	Person to bring children to and from visit (or make available for virtual visit)	Location of drop-off/pick-up
Time				
Monday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Tuesday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Wednesday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Thursday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Friday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Saturday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			
Sunday	Start: _____	<input type="checkbox"/>		
	End, if applies: _____			

Follow the schedule listed above (check one):
 Every week Every other week Other _____

Start date for visits (month, day, year) _____

This is not a Court Order.

DV-105-INFO Asking for Child Custody and Visitation Orders

What are child custody and visitation orders?

A decision by a judge that tells parents how they will be responsible for taking care of their children. The judge must grant orders that are in your child's best interests.

What is child custody?

There are two types of child custody:

- **Physical custody:** The person that the child lives with on a regular basis.
- **Legal custody:** The right for a person to make important decisions about the child's health care, education, and welfare.

For both types of custody, parents can share custody (joint custody) or one parent can have full custody (sole custody). A judge grants custody based on what's in the best interest of a child. Note that a parent can still have parenting time (visitation), even if the judge does not grant them custody. And if the judge finds that there has been domestic violence in your case, a special law on child custody will apply. For more information on the law, go to selfhelp.courts.ca.gov/domestic-violence-child-custody.

What is visitation or parenting time?

It is a schedule of how your children will spend time with each parent. A judge must decide on a schedule that is best for your children. If you have safety concerns, tell the judge by writing these concerns in your court papers.

How do I ask for child custody and visitation orders?

To ask for these orders with a restraining order, complete form [DV-105](#), *Request for Child Custody and Visitation Orders*, and turn it in with the other court papers you must complete to ask for a restraining order. For more information on how to ask for a restraining order, read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*.

Do I have to pay to file this request with the court?

No, there is no court fee.

Types of Visitation

• Unsupervised visits

A parent and child visit freely, without anyone else present. This may be a good option if the visiting parent is not a risk to the children.

• Supervised visits

A parent and child have a neutral third person watching and listening during the visit. The neutral third person can be a professional or nonprofessional.

Professional provider

A professional provider is a person with special training that has passed a background check. Professional providers charge a fee. They are also mandated reporters, which means that they must report suspected child abuse to the local child welfare department (CPS). Professional providers can be used for short visits (example: 1–2 hours). Your local court may have a list of local professional providers.

Nonprofessional provider

A nonprofessional provider is usually a friend or family member who does not have special training, and does not get paid for supervising visits. The provider you choose must:

- Make safety the top priority;
- Follow the judge's order;
- Speak the same language as the child and visiting parent and;
- Be comfortable ending the visit, if needed.

For more information on supervised visits, go to selfhelp.courts.ca.gov/guide-supervised-visitation.



• Virtual Visits

A parent and child visit using electronic communication where they can see and hear each other (examples: Zoom, FaceTime, WhatsApp). Virtual visits may require the child and visiting parent to have access to the internet during the visit. Virtual visits may be a good option if you have safety concerns, or if the other parent lives far away from the children. It can also be a good option if the other parent hasn't seen the children in a long time. Virtual visits can be supervised or unsupervised. The length of each visit should also depend on the child's age (example: a younger child may not be able to pay attention for a long visit). For more information on virtual visits, go to [\[self-help webpage to be created.\]](#)

• No Visits

In some situations, it may not be safe for your child to visit with the other parent.

Will I have to meet the other parent for child exchanges?

You can ask for orders that would not require you to meet the other parent, like having the other parent pick up the children from school or daycare. Or you can ask for supervised exchanges. Like supervised visits, supervised exchanges mean that a neutral third person is involved and will help you exchange the children with the other parent so you don't have to meet with the other parent.

What if I am worried that the other parent will kidnap our children?

You can ask for the custody and visitation orders that will best protect your children. There are also other orders you can ask for to prevent abduction. If you want to ask for these orders, complete form [DV-108](#), *Request for Orders to Prevent Child Abduction*, and turn it in with your completed form [DV-105](#), and other required forms for your restraining order request.

What if the other parent has access to firearms and ammunition?

If a restraining order is granted against the other parent, that parent will not be able to have any firearms or ammunition. If the other parent has access to firearms or ammunition, you may include the information on form [DV-100](#), *Request for Domestic Violence Restraining Order*. The court will consider if a parent has illegal access to firearms and ammunition, when making custody and visitation orders.

Where can I find free legal help?

Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Find your local court's self-help center at [selfhelp.courts.ca.gov/find](#). Also, free legal aid may be available in your community. For more information, go to [lawhelpca.org](#).


Information about the court process is also available online

[selfhelp.courts.ca.gov/DV-restraining-order/process](#).

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at [thehotline.org](#) or call 1-800-799-7233; 1-800-787-3224 (TTY).

What if I need an interpreter?

 If you need an interpreter, use form [INT-300](#) to request an interpreter or ask the court clerk how you can request one.



I have a disability. How can I get help?

You may use form [MC-410](#) to request assistance. Contact the disability or ADA coordinator at your local court for more information.

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 courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

I was served with form DV-100, DV-109, or DV-110. What does this mean?

Someone has asked for a domestic violence restraining order against you. On the forms, you are the “person in ②” and the person who wants a restraining order against you is listed in ① on all the forms.

Form DV-100: This form has all the orders that the person in ① has asked the judge to order.

Form DV-109: Your court hearing (court date) is listed on this form. You should attend the court hearing if you do not agree to the orders requested. If you do not attend, the judge can make orders against you without hearing from you.

Form DV-110: If you were served with form DV-110, it means that the judge granted a temporary restraining order against you. You must follow the orders.

What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused by someone they have been intimate with, or are closely related to. To be eligible, the person asking for the restraining order must be:

- Someone you date or used to date
- A spouse, ex-spouse, registered domestic partner, or ex-domestic partner
- Someone you live or lived with (more than a roommate)
- Your parent, sibling, child, grandparent, or grandchild related by blood, marriage, or adoption

What can a restraining order do?

A restraining order can include orders for you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people and places
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes homemade or untraceable guns, like “ghost guns.”
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Pay debt for property
- Give control of property (examples: cell phone, car, home) to the person asking for protection.

How long does the order last?

If the judge granted a temporary restraining order (form DV-110), it will last until the hearing date. At your court hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.



DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What do I do next?

Part 1: Turn in or sell prohibited items

If there is a temporary restraining order against you (see form DV-110), then you must immediately turn in, sell, or store any prohibited items you have or own. Prohibited items include:



- **Firearms**, including any handgun, rifle, shotgun, and assault weapon
- **Firearm parts**, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame
- **Ammunition**, including bullets, shells, cartridges, and clips

You must then prove to the court that you've complied with the orders. Bring form [DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition](#), to a gun dealer or law enforcement when you turn in your items. After DV-800/JV-270 is complete, file it with the court. You may ask the court for information on how to turn in, sell, or store these items in your city or county. You can also read form [DV-800-INFO/JV-270-INFO, How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition?](#).

Part 2: Relinquish body armor

If there is a temporary restraining order against you (see form DV-110), you must relinquish any body armor that you have or own.

Note: If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with a chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Part 3: Respond in writing (optional)

“Respond” means to let the judge and the other side know whether you agree or disagree with the request for restraining order, and why. Responding in writing is optional and there is no penalty if you don't. If you need more time to prepare for your case, talk to a lawyer or self-help center staff before you file a response.

If you want to respond in writing, complete form [DV-120, Response to Request for Domestic Violence Restraining Order](#). After you complete the form, file it with the court. There is no court fee to file this form. Then “serve” the form on the person asking for the restraining order. “Serve” means to have someone 18 years old or older mail a copy to the person asking for the restraining order. You cannot be the one to mail your papers. The person who mails your form must fill out form [DV-250, Proof of Service by Mail](#). After form DV-250 is completed, file it with the court.

Part 4: Get ready and go to your court hearing

Your court hearing is listed on form DV-109, *Notice of Court Hearing*. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read form [DV-520-INFO, Get Ready for the Restraining Order Court Hearing](#). If you need more time to prepare your case, you may ask the judge for a new court date. The judge will decide whether to grant your request. Read form [DV-115-INFO, How to Ask For a New Hearing Date](#), for more information. Note that if the judge does give you a new court date and if there is a temporary restraining order against you, the judge will usually extend the temporary restraining order until the next court date.



Do I need a lawyer?

It's possible to go through this process without a lawyer. But having a restraining order against you may have a lot of consequences, and you may want to hire a lawyer. If you don't hire a lawyer, you can get free help from your court's self-help center.

Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I was arrested or have criminal charges against me?

Anything you write in your court papers or say at a hearing for this case and for any criminal case can be used against you. Talk to a lawyer if you have any concerns about what you can do and say.

What if I have more than one restraining order against me?

If the police are called to enforce the order, they will need to follow the rules of enforcement (see "Priority of Enforcement" listed on the back of form DV-110, DV-130, and CR-160). If you have questions about any of the orders against you, contact your local self-help center or talk to a lawyer. Find your local court's self-help center at selfhelp.courts.ca.gov/find.

What if I have children with the person asking for a restraining order?

A restraining order can include orders for your children, including listing them as protected persons. It can also include child custody and visitation orders and orders to limit your ability to travel with your children.

What if I have access to firearms or ammunition?

If a restraining order is granted against you, and you do not follow the judge's order to turn in your firearms and ammunition, you have violated the restraining order and can be charged with a crime, fined, or go to jail. If you have a child, having illegal access to firearms or ammunition may impact your parenting time and whether you have custody of your children.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will have to prove (see Family Code section 6389(h)). For more information, go to [self-help website to be created].

DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

Can I use the restraining order to get divorced or end a domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

What if I need a restraining order against the other person?

Do not use form DV-120 to request a domestic violence restraining order. For information on how to file your own restraining order, read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*. You can also ask the court clerk about free or low-cost legal help.

What if I am a victim or survivor of domestic violence?

The National Domestic Violence Hotline provides free and private safety tips. Help is available in over 100 languages. Visit online at thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Information about the court process is also available online

selfhelp.courts.ca.gov/respond-to-DV-restraining-order

What if I need an interpreter?



You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

Request for Accommodations

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.



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 courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

DV-140

Child Custody and Visitation Order

Case Number: _____

This form is attached to (*check one*): DV-110 DV-130 DV-310

1 Name of Protected Person: _____
Relationship to children: Parent Legal Guardian Other (*describe*): _____

2 Name of Restrained Person: _____
Relationship to children: Parent Legal Guardian Other (*describe*): _____

3 Children Under 18 Years Old
a. Name: _____ Date of birth: _____
b. Name: _____ Date of birth: _____
c. Name: _____ Date of birth: _____
d. Name: _____ Date of birth: _____
 (Check here if you have more children to list. On a separate piece of paper write "DV-140, Children" at the top and attach it to this form.)

4 No Travel With Children Without Permission
 Person in **1** Person in **2** Other (*name*): _____
must have written permission from the other parent, or a court order, to take the children outside of:
a. County of (*list*): _____
b. State of California
c. United States
d. Other place(s) (*list*): _____

This is a Court Order.

5 **Stop Access to Children's School, Health, and Other Information**

a. The person in **(2)** must not access or have access to the records or information for:

- All the children listed in **(3)**.
- Only the children listed here (*names*): _____

b. From the following (*check all that apply*):

- Medical, dental, and mental health providers
- School and daycare providers
- Extracurricular activity providers (including summer camps and sports teams)
- Child's employers (including volunteer and unpaid positions)
- Other (*describe*): _____

(!) If you are a provider listed above, you must not release information or records regarding the children listed in **(5)a** to the person in **(2)**.

6 **Judge's Decision on Request for Orders to Prevent Child Abduction** (*attach form DV-145*)

7 **Child Custody**

a. Legal Custody (*The person that makes decisions about the child's health, education, and welfare.*)

- Sole to Person in **(1)**
- Sole to Person in **(2)**
- Jointly (shared) by persons in **(1)** and **(2)**.
- Other (*describe*): _____

b. Physical Custody (*The person that the child regularly lives with.*)

- Sole to Person in **(1)**
- Sole to Person in **(2)**
- Jointly (shared) by persons in **(1)** and **(2)**.
- Other (*describe*): _____

8 **Person in **(2)** must have no visitation with children until further order of the court.**

(If this form is attached to form DV-110, *Temporary Restraining Order*, this means that the judge has stopped your right to visit with your children temporarily. If you do not agree with this order, attend your court hearing.)

This is a Court Order.



9 **Professional Supervised (Monitored) Visits with Children**

a. Person to be supervised: Person in **①** Person in **②**

b. Professional provider to supervise visits (*check 1, 2, or 3*):

(1) Chosen provider _____ Telephone: _____
Address (*if known*): _____

If the chosen provider cannot provide services, parties must use the alternate provider.

Alternate provider _____ Telephone: _____
Address (*if known*): _____

Person in **①** contact chosen provider by (*date*): _____

Person in **②** contact chosen provider by (*date*): _____

(2) A list of providers (*check one*):

is attached to this order.

given in court to Person in **①** Person in **②** .

Person in **①** Person in **②** must choose and contact a provider by (*date*): _____

(3) Other: _____

c. Frequency of visits (*check one*):

Once a week, for (*number of hours*): _____ each visit.

Twice a week, for (*number of hours*): _____ each visit.

Other (*describe*): _____

d. Fees paid by: Person in **①** _____ % Person in **②** _____ % Other: _____ %

e. Visits must be:

In person at a safe location.

Virtual and not in person. (*Before a provider is chosen, confirm that the provider offers virtual visits.*)

Other: _____

This is a Court Order.



10 **Nonprofessional Supervised (Monitored) Visits with Children**

a. Person to be supervised: Person in **1** Person in **2**

b. Nonprofessional provider (person) to supervise visits

Name: _____ Relationship to child: _____

Address (if known): _____ Telephone (if known): _____

c. Schedule for visits (check one):

Follow the Visitation Schedule listed in **13**.

Other schedule (give a detailed schedule): _____

d. Location of visits:

In person at a safe location (give location): _____

Virtual and not in person. (Provider, child, and visiting parent may need access to internet.)

Other: _____

(For more information on safe locations, go to selfhelp.courts.ca.gov/guide-supervised-visitation.)

11 **Supervised (Monitored) Child Exchanges**

(Complete this item and go to **12** to describe visitation schedule.)

a. Person to be supervised: Person in **1** Person in **2**

b. Provider (Person) to Supervise Exchanges

(1) Nonprofessional Provider

Name: _____ Relationship to child: _____

Address (if known): _____

Telephone (if known): _____

Safe location for exchanges: _____

(For more information on safe locations, go to selfhelp.courts.ca.gov/guide-supervised-visitation.)

(2) Professional Provider

Name of provider (if known): _____

Address (if known): _____

Telephone (if known): _____

Fees paid by: Person in **1** _____ % Person in **2** _____ % Other: _____ %

Person in **1** contact provider by (date): _____

Person in **2** contact provider by (date): _____

Location of exchanges to be decided by provider.

This is a Court Order.



12 **Visits With No Supervision (Unmonitored)**

(1) Person in (1) Person in (2) will visit with the children listed in (3)

(2) Visits must be:

- In person
- Virtual and not in person (*Child and visiting parent may need access to the internet. For more information on virtual visits, go to [self-help website to be created].*)
- Other: _____

(3) The schedule for visitation is (*check one*):

- Listed in (13).
- Described below:

13 **Visitation Schedule for Person in (2)**

	Time	Visit must be virtual	Person to bring children to and from visit (<i>or make child available for virtual visit</i>)	Location of drop-off/pick-up
Monday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Tuesday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Wednesday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Thursday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Friday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Saturday	Start: _____ End, if applies: _____	<input type="checkbox"/>		
Sunday	Start: _____ End, if applies: _____	<input type="checkbox"/>		

Follow the schedule listed above (*check one*):

- Every week Every other week Other _____

Start date for visits (*month, day, year*) _____

This is a Court Order.



14 Mandatory Findings

(Findings required under Family Code sections 3011, 3044, and 3100.)

- a. No findings required by law.
- b. Form DV-150, *Court's Reasons for Child Custody and Visitation Orders*, is attached to this form.
- c. Judge explained their reason at the court hearing on the record.

15 Other Orders

Describe additional orders (example: holiday schedule). If you want to use a separate form, like form [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*, write "see attached FL-341(C)" in the space below and attach that form.

16 Criminal Protective Order

List any criminal protective order protecting the person in **1** from the person in **2**.

Case number: _____	County: _____
Case number: _____	County: _____

(If a criminal protective order is in effect, law enforcement must follow the priority of enforcement on form DV-110 or DV-130.)

17 Country of Habitual Residence

The country of habitual residence of the child or children in this case is *(check one)*:

- The United States,
- Other *(name of country)*: _____.

18 Jurisdiction and Notice

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with section 3400). The responding party was given notice consistent with the laws of the State of California.

19 Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

This is a Court Order.

DV-150

Court's Reasons for Child Custody and Visitation Orders

Case Number: _____

This form is attached to (check one): DV-140 Other: _____

1 **The Restrained Person is Granted Sole Custody, Joint Custody, or Unsupervised Visits**
(Family Code section 3011)

The court finds that the custody and visitation orders are in the best interests of the children, who are listed on form DV-140, and protect their safety and the safety of the parties. The judge's reasons for making the order (check all that apply):

- a. Are attached to this order.
- b. Were given at the court hearing on the record.
- c. Explained below:

2 **The Restrained Person Has Committed Domestic Violence in the Last Five Years**
(Family Code section 3044)

Until further court order (check a or b):

- a. The restrained person must **not** have sole or joint (shared) custody of the children.
- b. The restrained person is granted sole or joint custody of the children.

(Complete section below):

- (1) The custody order is in the best interests of the children. In deciding the best interests of the children, the court has **not** used the preference for frequent and continuing contact with both parents.

(Court's reasons):

This is a Court Order.



2 b. (2) The court has balanced all required factors:

(a) The restrained person has completed a batterer intervention program.

Yes No

(Explain, as needed):

(b) The restrained person has completed a program for alcohol or drug abuse counseling, if the court decides that the program was appropriate.

Yes No Does not apply

(Explain, as needed):

(c) The restrained person has completed a parenting class, if the court decides that the class was appropriate.

Yes No Does not apply

(Explain, as needed):

(d) The restrained person is on probation or parole and has complied with all conditions.

Yes No Does not apply

(Explain, as needed):

This is a Court Order.

2 b. (2) (e) The restrained person has complied with all restraining and protective orders.
 Yes No
(Explain, as needed):

(f) The restrained person has not committed additional acts of domestic violence.
 Yes No
(Explain, as needed):

(g) The court has found that the restrained person has one or more firearms or ammunition. The restrained person has relinquished all of these items and shown proof of relinquishment to the court.
 Yes No Does not apply
(Explain, as needed):

(h) Additional reasons *(if any)*:

This is a Court Order.

3 Confidential Location

a. Court Finding

The court finds that:

- (1) The protected person is staying in a confidential location due to domestic violence or fear of domestic violence; and
- (2) The orders for custody and visitation are designed to keep the location of the protected person confidential, and protect all persons staying at the confidential location.

b. Court Order

Until further court order (check 1 or 2):

- (1) The restrained person must **not** have in-person visits with the children.
- (2) The restrained person may have in-person visits with (complete (a) and (b)):

(a) (check one):

All the children listed on form DV-140

The following children (list names): _____

(b) The restrained person may have in-person visits with the children listed in (a) because:

(i) It is in the best interests of the children.

(Court's reasons):

(ii) The court has considered all the required factors (complete section below):

(A) The restrained person has access to firearms or ammunition.

Yes No

(Explain, as needed):

This is a Court Order.

3

(B) The restrained person has complied with (followed) all restraining and protective orders.

Yes No

(Explain, as needed):

(C) Information given to the court under Family Code sections 6306 (background check) and 3011.

Yes No

(Explain, as needed):

(D) Potential for revealing confidential location.

Yes No

(Explain, as needed):

4 **Other Findings** *(if any):*

DV-300-INFO

How Do I Ask to Change or End a Domestic Violence Restraining Order?

Who can make a request?

The protected person or the restrained person can ask the judge to change or end the restraining order. Other people protected by the restraining order (listed on form DV-130, item 3, or JV-255, item 3) cannot ask to change or end the order.

How do I ask to change or end a domestic violence restraining order?

You will need to complete court papers and file them with the court. After you file your court papers, you will get a court date and have the other party served. You must attend your court date for the judge to decide whether to grant your request. See page 3 for step-by-step instructions.

What if I want to renew my restraining order?

If you are the protected person, you can ask the court to renew your restraining order. You must make your request before your restraining order expires. For information on how to renew your restraining order, read form [DV-700-INFO](#), *How Do I Ask the Court to Renew My Restraining Order?*

What if my restraining order has expired?

If the Restraining Order After Hearing (form DV-130, DV-730, or JV-255) has expired, do not follow the steps on page 3.

- If you need another restraining order, you will need to make a new request. Read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*.
- If the restraining order included child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders, these orders remain in effect and can be changed by a judge. For information on how to ask to change these orders, read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Do I have to pay to file this request with the court?

No. There is no court fee.

How do I end or change a temporary restraining order?

If you have a temporary restraining order (form DV-110 or DV-116) and you want to change or end the order, a lawyer or the court's self-help center may be able to help you. Do not use this process to change or end a temporary restraining order.

What if I want to change or end a juvenile restraining order?

If you have a restraining order based on domestic violence that was granted by a juvenile dependency court (form JV-255), and the juvenile case has been closed (dismissed), follow the steps on page 3 to ask to change or end the juvenile restraining order.

- If your juvenile case is still open, talk to your lawyer about how to change or end the restraining order.
- If you have a juvenile restraining order that was granted in a juvenile justice (delinquency) case (form JV-265), ask your lawyer or the prosecutor about how to change or end the restraining order.

What if I want the judge to grant an order that was not included in the Restraining Order After Hearing?

The judge may be able to grant the order if it is needed for more protection. Follow the steps on page 3 to make the request. You will need to describe the orders you want and explain why they are needed.



When will my restraining order change or end?

Only the court has the power to change or end the restraining order. The restraining order remains in effect and must be followed until a judge changes or ends the order.

What orders can I ask to change or end?

You can ask to change or end any order granted in a Restraining Order After Hearing, except for orders related to firearms, ammunition, or body armor. The judge cannot remove the restriction on having firearms, ammunition, or body armor. If you need to carry a firearm for your job, the judge may grant you a limited exception but there are strict requirements. Ask a lawyer or your court self-help center for more information.

What if I want to change child custody orders?

- If child custody orders were made through your restraining order, you can use this process to change these orders. Follow the steps on page 3.
- If custody or visitation orders were made in a separate family law case, do not follow the steps on page 3 of this form; read form [FL-300-INFO](#), *Information Sheet for Request for Order*.

Note that a special law applies to child custody orders when there has been domestic violence. For more information, go to selfhelp.courts.ca.gov/domestic-violence-child-custody.

If I ask to end the restraining order, what will happen to the child custody, visitation, support, or property orders?

If a judge ends the restraining order, any child custody, visitation (parenting time), child support, spousal support, support for a domestic partner, or property orders will remain in effect, unless the court also changes or ends those orders.

Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

**What if I have a disability and need an accommodation?**

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

Where can I find other help?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at thehotline.org or call 1-800-799-7233 or 1-800-787-3224 (TTY).

Confidential Address Program

If you are a victim of domestic violence or live with a victim of domestic violence, there is a special program called Safe at Home that you can apply for. It is a free program that can help you keep your address private. To learn more about the program, go to sos.ca.gov/registries/safe-home. Note that it may take several weeks to be approved.



Steps to make a request

1 Complete court forms:

- Form [DV-300](#) *Request to Change or End Restraining Order*; and
- Form [DV-310](#), *Notice of Court Hearing and Temporary Order to Change or End Restraining Order* (items 1 and 2 only).
- If you are asking to change child custody and visitation orders, you must complete form [DV-305](#) *Request to Change Child Custody and Visitation Orders*.

2 File forms with court

File all forms with the court clerk. Make sure you include a copy of your current Restraining Order After Hearing with form DV-300. You can file in person or electronically. For more information on how or where to file, go to the court's website. To find the court's website, go to selfhelp.courts.ca.gov/find.

3 Get your papers back from the court

Once you get your papers back from the court, you will have a court date (see form DV-310). If you asked for any temporary orders, look at form DV-310 to see if the judge granted or denied that request. Make sure you get at least two copies back: one for you and one to have served on the other party. If you filed your papers electronically, the court will give the papers back to you electronically, unless you asked to pick them up or receive them by mail.

4 Have the other party served with papers

- **If you are the restrained person**, you must have the protected person personally served. This means you must have an adult personally give a copy of all the court papers (listed on form DV-310, item 5d) to the protected person. It cannot be you or anyone listed on the restraining order. Your server must then complete form [FL-330](#), *Proof of Personal Service*. Make a copy of the completed form [FL-330](#) and file it with the court. If you cannot have the protected person personally served, contact a lawyer or self-help center for other options.
- **If you are the protected person**, you can serve the restrained person by mail. This means you must have an adult mail a copy of all the court papers (listed on form DV-310, item 5d) to the restrained party. It cannot be you or anyone listed on the restraining order. Your server must then complete form [DV-250](#), *Proof of Service of Mail (CLETS)*. Make a copy of the completed form DV-250 and file it with the court.

If you can't serve the other side before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms [DV-315](#) and [DV-316](#). The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-316 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-310 or DV-316) if you still want to move forward with your request.

5 Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to change or end the restraining order. At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have. If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference.

What does "renew" mean?

It means to extend your current restraining order (form DV-130). If renewed, the judge would extend it for at least five years, or make the order permanent (no expiration).

When do I ask for a renewal?

You must ask to renew your restraining order before your current restraining order expires. The expiration date is listed on the first page of your current restraining order. You can make the request up to three months before your order expires. Give yourself enough time, if possible, to fill out and file all the required paperwork before your order expires.

What if I want to renew a juvenile restraining order in Family Court?

If you have a juvenile restraining order (on form JV-255 or JV-265), that was based on domestic violence and the juvenile case has closed, you can ask the judge to renew your restraining order. Your restraining order is based on domestic violence if it was granted to protect you or your child from the other parent, or to protect you from someone you dated or had an intimate relationship with. If you are not sure whether your juvenile restraining order was based on domestic violence, talk to your lawyer. If you do not have a lawyer, your local self-help center may be able to help you. Find your local court's self-help center at selfhelp.courts.ca.gov/find.

Is there a court fee to ask for a renewal?

No.

Will I have to go to court?

Yes, if you ask for a renewal, you will get a court date. At your court hearing, the judge will ask you why you want your restraining order renewed. If you do not attend your hearing, your restraining order will not be renewed.

What if I also want to change (modify) my restraining order?

There is another process to ask to change your restraining order. If you ask to renew your restraining order, and also ask to change your restraining order, you can ask the judge to decide both requests at the same time. For information on how to ask to change your order, read form [DV-300-INFO, How Do I Ask to Change or End a Domestic Violence Restraining Order?](#)

What if my restraining order expired but I still want protection?

You are not eligible for a renewal if you have not filed your request to renew before your restraining order expired. You can still ask for protection by filing another request for restraining order. For more information, read form [DV-505-INFO, How to Ask for a Domestic Violence Restraining Order](#).

What if my restraining order has been renewed before? Can I ask to renew it again?

Yes, a judge can renew your restraining order more than once. Follow the steps on the next page to ask for a renewal.

What if I've moved and want to file my request to renew in another county?

If you want to file your request in another county in California, you may ask the judge in your case to move (transfer) your case. This is called changing venue. For more information about how to make this request, your local self-help center may be able to help you, or contact a lawyer for advice.



Steps to ask for a renewal**1 Complete two forms:**

- Form [DV-700](#), *Request to Renew Restraining Order*; and
- Form [DV-710](#), *Notice of Hearing to Renew Restraining Order* (items 1 and 2 only).

2 File forms with court

File both forms with the court clerk. Make sure you include a copy of your current restraining order (form DV-130, JV-255, or JV-265) with form DV-700. You can file in person or electronically. For more information on how or where to file, go to the court's website.

3 Get your papers back from the court

Make sure you get at least two copies back: one for you and one to have served on the restrained person.

4 Have restrained person served with papers

You must have an adult personally give a copy of all the court papers (all forms listed on form DV-710, item 5) to the person you want a restraining order against. It cannot be you or anyone listed on the restraining order. Your server must then complete a proof of service (form DV-200). Make a copy of the completed form DV-200 and file it with the court.

Serving papers can be a dangerous situation. If you want the sheriff to serve your papers, they will do so for free. If you want the sheriff to serve your papers, complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*. Give the sheriff a copy of the completed form and all papers that need to be served on the other side (all forms listed on form DV-710, item 5). For more information on service, go to selfhelp.courts.ca.gov/DV-restraining-order/renew/sheriff-serves.

If you can't serve the restrained person before your court hearing, you will need to ask the judge to reschedule your court hearing. Fill out and file forms DV-715 and DV-716. The judge will review your request and decide whether to reschedule your court hearing. If you do not receive a signed copy of form DV-716 from the judge before your court date or the judge denied your request to reschedule your hearing, you *must* attend your court date (listed on form DV-710 or DV-716) if you still want to renew your restraining order.

5 Get ready for and attend your court hearing

At your court hearing, the judge will decide whether to grant your request to renew your restraining order. What you will need to prove at your court hearing will depend on if the other side attends the hearing:

- If the restrained person does not attend the hearing, the judge can renew your restraining order based on only your request.
- If the restrained person attends the hearing and does not agree to the renewal, then you must prove that you have a reasonable fear or concern that there is enough risk of further abuse if the order is not renewed. The further abuse can be different from the abuse that led to your restraining order. But you don't have to prove that you've been abused by the person since the restraining order has been in effect. The abuse that led to your restraining order may be enough to renew it.

At the hearing, you and the other side will have the opportunity to tell your side of the story. Bring any evidence or witnesses you have.

If you don't want to attend your court hearing in person, go to the court's website to find out more information about attending by phone or videoconference. For information on your court hearing, go to selfhelp.courts.ca.gov/DV-restraining-order/renew/court.



What if the judge renews my restraining order?

- ① You will need form DV-730, *Order to Renew Domestic Violence Restraining Order*, signed by the judge. If the court does not complete this form for you, make sure you complete it and give it to the court clerk. Contact the court's self-help center if you need help.
- ② You will need to get copies of form DV-730, once it is signed by the judge. Ask the court clerk when your forms will be ready. There is no fee for turning in this form, and you should receive some free copies.
- ③ Look at form DV-730 to see if the judge ordered you to serve the form by mail or in person. If you are ordered to serve the form by mail, this means your server only has to mail a copy of the restraining order. But serving someone in person is always best. When you mail court papers, it may be hard to prove that the person actually received a copy, especially if the person moves a lot. Learn more about service at selfhelp.courts.ca.gov/DV-restraining-order/renew/serve-order.

Where can I find free help?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I need an interpreter?

You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

What if I have a disability and need an accommodation?

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.

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 courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ., Code § 54.8.)

Information about this process is also available online

selfhelp.courts.ca.gov/DV-restraining-order/renew

What if I am worried about my safety?

The National Domestic Violence Hotline provides free and private safety tips. Help is available every day, 24 hours a day, and in over 100 languages. Visit online at thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

1 USE Request for Order (form FL-300):

- To schedule a court hearing and ask the court to make new orders or to change orders in your case.
- When *Restraining Order After Hearing* (form [DV-130](#)) has expired, and you want to change the orders that are still in effect (examples: child custody, visitation (parenting time), child support, and other orders).
- To change or end *Juvenile Restraining Order After Hearing* (form [JV-255](#)) when the case is closed (dismissed) and the order was granted under the Code of Civil Procedure.

2 DO NOT USE Request for Order (form FL-300):

- To ask for a restraining order against your spouse or domestic partner, a former spouse or domestic partner, or someone you have a child with. Read *How to Ask for a Temporary Restraining Order* (form [DV-505-INFO](#)).
- To ask to change or end a *Restraining Order After Hearing* granted under the Domestic Violence Prevention Act, including form DV-130 and form JV-255 in a juvenile case. For more information, read *How Do I Ask to Change or End a Domestic Violence Restraining Order?* (form [DV-300-INFO](#)).
- Before you have filed a Petition to start your family law case (form FL-300 may be filed with the Petition).
- If you and the other party have an agreement. For information about how to write up your agreement, get it approved by the court, and filed in your case, see selfhelp.courts.ca.gov/family-law/agreements, speak with an attorney, or get help at your court's Self-Help Center or Family Law Facilitator's Office.
- When specific Judicial Council forms must be used to ask the court for other orders. For example, to ask:
 - For an order for contempt, use form [FL-410](#).
 - To set aside a child support order, use form [FL-360](#) or form [FL-640](#).
 - To set aside a voluntary declaration of paternity, use form [FL-280](#).

3 Forms checklist

- Form [FL-300](#), *Request for Order*, is the basic form you need to file with the court. Depending on your request, you may need these additional forms:
- To request child custody or visitation (parenting time) orders, you may need to complete some of these forms:
 - [FL-105](#), *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act*
 - [FL-311](#), *Child Custody and Visitation (Parenting Time) Application Attachment*
 - [FL-312](#), *Request for Child Abduction Prevention Orders*
 - [FL-341\(C\)](#), *Children's Holiday Schedule Attachment*
 - [FL-341\(D\)](#), *Additional Provisions—Physical Custody Attachment*
 - [FL-341\(E\)](#), *Joint Legal Custody Attachment*
- If you want child support, you need this form:
 - A current [FL-150](#), *Income and Expense Declaration*. You may use form [FL-155](#), *Financial Statement (Simplified)* instead of form FL-150 if you meet the requirements listed on page 2 of form FL-155.
- If you want spousal or partner support or orders about your finances, you may need or want to use these forms:
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-157](#), *Spousal or Partner Support Declaration Attachment*
- If you want attorney's fees and costs, you need these forms:*
 - A current [FL-150](#), *Income and Expense Declaration*
 - [FL-319](#), *Request for Attorney's Fees and Costs Attachment* (or provide the information in a declaration)
 - [FL-158](#), *Supporting Declaration for Attorney's Fees and Costs* (or provide the information in a declaration)

(*The above forms are not required when asking for attorney's fees and costs under the Domestic Violence Prevention Act.)
- To request temporary emergency (ex parte) orders, you need these forms:
 - [FL-305](#), *Temporary Emergency Orders* to serve as the proposed temporary emergency orders.
 - Your declaration describing how and when you gave notice about the request for temporary emergency orders. You may use form [FL-303](#), *Declaration Regarding Notice and Service of Request for Temporary Emergency (Ex Parte) Orders*.
 - Other forms required by local courts. See item 9 on page 3 of this form for more information.
- If you plan to have witnesses testify at the hearing, you may want to use:
 - [FL-321](#), *Witness List*
- If you want to request a separate trial (bifurcation) on an issue, you need form:
 - [FL-315](#), *Request or Response to Request for Separate Trial*



4 Complete form FL-300 (Page 1)

Caption: Complete the top part with your name, address, and telephone number. Below that, fill in the court's address.

Write the name of the Petitioner, Respondent, or Other Parent/Party. (You must use the party names as they appear in the petition.)

In the next section, check “CHANGE” if you want to change an existing order. Check “TEMPORARY EMERGENCY (EX PARTE) ORDER” if you are asking that the court make emergency orders that will be effective until the hearing date.

Then, check the boxes that apply to the orders you are requesting. Finally, in the box on the right, write your case number.

Item 1: List the name(s) of the other person(s) in your case who will receive your request. In some cases, this might include a grandparent who is joined as a party in the case, a local child support agency, or a lawyer who represents a child in the case.

Item 2: Leave this blank. The court clerk will fill in the date, time, and location of the hearing.

Item 3: This is a notice to all other parties.

Items 4–5: Leave these blank. The court will complete them if the orders are granted.

Item 6: In some counties, the court clerk will check item 6 and provide the details for your required child custody mediation or recommending counseling appointment. Other courts require the party or the party’s lawyer to make the appointment and then complete item 6 before filing form FL-300.

Ask your court’s Family Law Facilitator or Self-Help Center to find out what your court requires.

Items 7–8: Leave these blank. The court will complete them, if needed.

5 Complete form FL-300 (pages 2–4)

6 Complete additional forms and make copies

Complete any additional forms that you need to file with the *Request for Order*. Make at least two copies of your full packet.

7 File your documents

Give your paperwork and the copies you made to the court clerk to process. You may take them to the clerk’s office in person, mail them, or, in some counties, you can e-file them.

The clerk will keep the original and give you back the copies you made with a court date and time stamped on the first page of the *Request for Order*. The procedure may be different in some courts if you are requesting temporary emergency orders.

8 Pay filing fees

A fee is due at the time of filing.

If you cannot afford to pay the filing fee, and you do not already have a valid fee waiver order in this case, you can ask the court to waive the fee by completing and filing form [FW-001, Request to Waive Court Fees](#) and form [FW-003, Order on Court Fee Waiver](#).



9 Temporary Emergency (Ex Parte) Orders
(nondomestic violence restraining orders)

Courts can make temporary orders in your family law case to respond to emergencies that cannot wait to be heard on the court’s regular hearing calendar.

The emergency must involve an immediate or irreparable harm to a party or children in the case, or an immediate loss or damage to property.

Under Family Code section 3064, "immediate harm to a child" includes, but is not limited to, a child:

- *Whose parent has committed acts of domestic violence; or*
- *Who is a victim of sexual abuse.*

When deciding if there is immediate harm to a child, the court will consider if a parent has illegal access to firearms or ammunition.

To request these orders:

- Complete form FL-300. Describe the emergency and explain why you need the temporary emergency orders before the hearing.
- Complete form FL-305 to serve as your proposed temporary orders.
- Include a declaration describing how and when you notified the other parties (or why you could not give notice) about your request and the hearing (see form FL-303).
- Complete forms required by local court rules.
- Follow your court’s local procedures for reserving the day for the hearing, submitting your paperwork, and paying filing fees.

10 General information about “service”

“Service” is the act of giving your legal papers to all persons named as parties in the case so that they know what orders you are asking for and have information about the hearing.

If the other parties are NOT properly served, the judge cannot make the orders you requested on the date of the hearing.

11 Serve the Request for Order, blank forms

The other party must be “served” with a:

- Copy of the *Request for Order* and all the other forms and attachments filed with the court clerk.

- Copy of temporary emergency orders granted.
- Blank form [FL-320](#), *Responsive Declaration to Request for Order*.
- Blank form [FL-150](#), *Income and Expense Declaration* (if you served form FL-150 or FL-155).

12 Who can be a “server”

You cannot serve the papers. Have someone else (who is at least 18 years old) do it. The server can be a friend, a relative who is not involved in your case, a sheriff, or a professional process server.

13 “Personal Service”

Personal service means that your server walks up to each person to be served, makes sure the right person is served, and then hand-delivers a copy of all the papers (and the blank forms). If the person served does not take the papers, the server may leave the papers near the person.



Note: Sometimes the papers may be personally served on the other party’s lawyer (if the other party has one) in the family law case.

14 “Service by mail” Service by mail means that your server places copies of all the documents (and blank forms) in a sealed envelope and mails them to the address of each party being served (or to the party’s lawyer, if the party has one).

The server must be 18 years of age or over and live or work in the county where the mailing took place.

Important! For questions about personal service or service by mail, talk with a lawyer or check with your court’s Family Law Facilitator or Self-Help Center at selfhelp.courts.ca.gov/court-based-self-help-services.



15 When to use personal service or service by mail

Personal Service

Personal service is the best way to make sure the other adults in your case are correctly served. Sometimes you **must** use personal service.

You **must** use personal service when the court:

- Ordered personal service;
- Granted temporary emergency orders;
- Does not yet have the power to make orders that apply to the other party because the person has either NOT previously:
 - Been served with a *Summons* and *Petition*;*

OR
 - Appeared in the case by filing a:
 - a. *Response to a Petition*;
 - b. *Appearance, Stipulations, and Waivers*;
 - c. Written notice of appearance;
 - d. Request to strike all or part of the *Petition*; or
 - e. Request to transfer the case.

*Note: A *Request for Order* may be served at the same time as the family law *Summons* and *Petition*.

1. After serving, the server must fill out a *Proof of Personal Service* (form [FL-330](#)) and give it to you. If the server needs instructions, give them form [FL-330-INFO](#), *Information Sheet for Proof of Personal Service*.
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: The deadline for personal service is **16 court days** before the hearing date, unless the court orders a different deadline.

Service by Mail

If you are not required to use personal service, you may use service by mail.

Important! Check with your court’s Family Law Facilitator’s Office or Self-Help Center, or ask a lawyer to be sure you are allowed to use service by mail in your case.

A *Request for Order* to change a judgment or final order on the issue of child custody, visitation (parenting time), or child support may be served by mail if:

- The documents do not include temporary emergency orders;
- The court did not order personal service; and
- You have verified the other party’s current residence or office address. (You may use *Address Verification* (form [FL-334](#)).)

To change a judgment or final order on any other issue, including spousal or domestic partner support, the *Request for Order* may need to be personally served on the other party.

1. After serving, the server must fill out a *Proof of Service by Mail* (form [FL-335](#)) and give it to you. If the server needs instructions, give them *Information Sheet for Proof of Service by Mail* (form [FL-335-INFO](#)).
2. Take the completed *Proof of Personal Service* form to the clerk’s office (or e-file it, if available in your court) at least 5 court days before your hearing.

Deadline: Unless the court orders a different time, service by mail must be completed at least **16 court days PLUS 5 calendar days** before the hearing date (if service is in California). Other time lines apply for service outside of California.

16 Get ready for your hearing

- Take at least two copies of your documents and filed forms to the hearing. Include a filed *Proof of Service* form.
- Find more information about preparing for your hearing at selfhelp.courts.ca.gov/tips-your-day-court.
- For information about having the other party testify in court, go to courts.ca.gov/placeholder for new URL.

17 After the hearing, form [FL-340 Findings and Order After Hearing](#), must be completed, filed, and served.

18 Do you have questions or need help?

- Find a lawyer through your local bar association, the State Bar of California at www.calbar.ca.gov, or the Lawyer Referral Service at 1-866-442-2529.
- For free and low-cost legal help (if you qualify), go to www.lawhelpca.org.
- Contact the Family Law Facilitator or Self-Help Center for information and assistance, and referrals to local legal services providers. Go to courts.ca.gov/selfhelp.courts.ca.gov/court-based-self-help-services.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 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 v. 03/18/25
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
TEMPORARY EMERGENCY (EX PARTE) ORDERS <input type="checkbox"/> Child Custody <input type="checkbox"/> Visitation (Parenting Time) <input type="checkbox"/> Property Control <input type="checkbox"/> Other (specify):	CASE NUMBER:

1. **TO (name):** _____
 Petitioner Respondent Other Parent/Party Other (specify):

A court hearing will be held on the *Request for Order* (form FL-300) served with this order, as follows:

a. Date:	Time:	Dept.:	Room:
b. Address of court	<input type="checkbox"/> same as noted above	<input type="checkbox"/> other (specify):	

2. **FINDINGS:** Temporary emergency (ex parte) orders are needed to:
- a. Help prevent "immediate harm to the child" under Family Code section 3064, as described in item 3a.
 - b. Help prevent immediate risk that a child will be removed from the State of California.
 - c. Help prevent immediate loss or damage to property subject to disposition in the case.
 - d. Set or change procedures for a hearing or trial.

COURT ORDERS: The temporary emergency orders expire on the date and time of the hearing in (1), unless extended by court order.

3. **CHILD CUSTODY AND VISITATION (PARENTING TIME)**
- a. It has been shown to the court that Petitioner Respondent Other Parent/Party
 - (1) Has committed acts of domestic violence that are of recent origin or are part of a demonstrated and continuing pattern of domestic violence.
 - (2) Has committed acts of sexual abuse of the child that are of recent origin or are part of a demonstrated and continuing pattern of sexual abuse.
 - (3) Has illegal access to firearms or ammunition (including access to firearms or ammunition in violation of a court order, probation, or parole condition).
 - (4) Other (specify): _____
 - b. It has been shown to the court that there is an immediate risk that the child will be removed from the State of California. **Child Abduction Prevention Orders** are attached (form FL-341(B)).

Temporary physical custody, care, and control to:

<u>c. Child's name</u>	<u>Date of Birth</u>	Petitioner	Respondent	Other Party/Parent
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Continued on Attachment 3c.

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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d. Visitation (Parenting Time)

When the court has granted temporary orders for child custody, it must consider if the best interests of the child require that visitation (parenting time) be suspended, denied, or supervised. Further, the temporary orders for custody, care, and control of the minor children in 3c are subject to the other party's or parties' rights of visitation (parenting time). The temporary orders for visitation (parenting time) are as follows:

See Attachment 3d.

e. Travel restrictions

(1) The party or parties with temporary physical custody, care, and control of minor children **must not remove the minor children from the state of California unless the court allows it after a noticed hearing.**

- (2) Petitioner Respondent Other Parent/Party must not remove their minor children (*specify*):
- (a) from the state of California.
 - (b) from the following counties (*specify*):
 - (c) other (*specify*):

f. (1) Jurisdiction: This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code, commencing with section 3400).

(2) **Notice and opportunity to be heard:** The responding party was given notice and an opportunity to be heard as provided by the laws of the State of California.

(3) **Country of habitual residence:** The country of habitual residence of the child or children is (*specify*):
 The United States of America Other (*specify*):

(4) **If you violate this order, you may be subject to civil or criminal penalties, or both.**

4. PROPERTY CONTROL

a. Petitioner Respondent Other Parent/Party is given exclusive temporary use, possession, and control of the following property that the parties own or are buying lease or rent

b. Petitioner Respondent Other Parent/Party is ordered to make the following payments on the liens and encumbrances coming due while the order is in effect:

Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:
Pay to:	For:	Amount: \$	Due date:

5. All other existing orders, not in conflict with these temporary emergency orders, remain in full force and effect.

6. **OTHER ORDERS** (*specify*): Additional orders are listed in Attachment 6.

Date: _____ 60 _____ JUDGE OF THE SUPERIOR COURT

THIS IS A COURT ORDER.

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

Print this form

Save this form

Clear this form

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILD CUSTODY AND VISITATION (PARENTING TIME) APPLICATION ATTACHMENT

—This is not a court order—

TO Petition Response Request for Order Responsive Declaration to Request for Order
 Other (specify):

This section is for information only and is not a part of your request for orders:

California's public policies and law on child custody and visitation include that:

- In general, children should have frequent and continuing contact with their parents, and parents should be encouraged to share the responsibility of raising their children, except when domestic abuse has happened or contact with a parent is not in the best interests of the children.
- When making any orders about physical and legal custody and visitation (parenting time), the court must consider the best interests of the child, which primarily include the health, safety, and welfare of the child.
- A parent with a history of abuse against a child, the other parent, their current spouse, or the person they live with or are dating or engaged to may not have sole or joint custody until they meet the requirements of Family Code section 3044.
- Children have the right to be safe and free from abuse.
- A child's exposure to domestic violence and domestic violence committed where a child lives are detrimental to the health, safety, and welfare of the child.
- For more information, read selfhelp.courts.ca.gov/child-custody#best-interest and selfhelp.courts.ca.gov/domestic-violence-child-custody

Complete items 1 through 13 that apply to your request for orders.

1. **Minor Children** Attachment 1.

<u>Child's name</u>	<u>Birthdate</u>	<u>Age</u>
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2. **Custody** of the minor children is requested as follows:

	<u>Petitioner</u>	<u>Respondent</u>	<u>Joint</u>	<u>Other Parent/Party</u>
a. Physical custody of children to..... (The person with whom the child will regularly live)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Legal custody of children to (The person who decides about the child's health, education, and welfare)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Note: To ask the court for joint legal custody orders that specify when the parents must agree before making decisions (for example, before choosing or changing the children's school, doctor, or religious or school activities), use *Joint Legal Custody Attachment* (form [FL-341\(E\)](#)) or a document that includes the same content as form FL-341(E).

To learn about physical and legal custody, go to selfhelp.courts.ca.gov/child-custody.

c. There are allegations of a history of abuse or substance abuse in this case. (You must complete item 5.)
d. Other (specify):

3. **Visitation (Parenting Time)** I request that the court order (check one):

- Reasonable right of visitation (parenting time) to the party in item 2a without physical custody, including but not limited to, virtual visitation. (Not appropriate in cases involving domestic violence and substance abuse).
- Visitation (parenting time) as described in the attached -page document dated (specify date):
- The visitation schedule in item 5 that includes in-person, virtual, and/or other ways for visitation to happen.
- Supervised visitation. (You must complete item 6.)
- No visitation (parenting time) to the person without physical custody for the reasons described in item 13.

Note: Unless specifically ordered, a child's holiday schedule order has priority over the regular parenting time.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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4. **Petitioner's** **Respondent's** **Other Parent's/Party's** visitation (parenting time) will be (check all that apply):
 a. **In person**, as follows (Specify start and ending date and time. If applicable, check "start of" OR "after school"):

(1) **Weekends starting** (date):

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)
<input type="checkbox"/> 1st	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 2nd	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 3rd	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 4th	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after
<input type="checkbox"/> 5th	from _____ to _____	at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. at _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of <input type="checkbox"/> after <input type="checkbox"/> start of <input type="checkbox"/> after

(a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, starting (date):

(b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.

(2) **Alternate weekends starting** (date):

(Specify day(s) and times): from _____ at _____ a.m. p.m. start of after
to _____ at _____ a.m. p.m. start of after

(3) **Weekdays starting** (date):

(Specify day(s) and times): from _____ at _____ a.m. p.m. start of after
to _____ at _____ p.m. p.m. start of after

(4) Other visitation (parenting time) days and restrictions are [listed in Attachment 5e\(4\)](#) as follows:

b. **Virtual visitation**

I ask that the court order virtual visitation as described [in Attachment 4b.](#) below:
 Virtual visitation means using audiovisual electronic technology (like a smartphone, tablet, smart watch, or computer) for a parent and a child to see and hear each other. Learn more about how to have safe virtual visits at [\[Placeholder for URL\]](#).

c. **Other ways that visitation (parenting time) can happen** that are in the best interests of the child (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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5. Child custody and visitation when there are allegations of a history of abuse or substance abuse

a. Allegations

- (1) Petitioner Respondent Other parent/party is (or are) alleged to have a history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.
- (2) Petitioner Respondent Other parent/party is (or are) alleged to have the habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.

b. Child custody

- (1) I ask that the court NOT order sole or joint custody of the minor child to the party or parties in 5a.
- (2) Even though there are allegations, I ask that the court make the child custody orders in item 4.
(Write the reasons why you think it would be in the best interest of the child that the party or parties be granted child custody, even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require.)
 Below: [Attachment 5b](#) Other (specify):

c. Visitation (Parenting Time)

- (1) I ask that the court order supervised visitation as specified in item 6.
- (2) I ask that the court order unsupervised visitation to the party or parties as specified in item 4.
 - (A) Even though there are allegations of a history of abuse or substance abuse, I request that the court order unsupervised visitation to (specify): petitioner respondent other parent/party.
 - (B) The reasons why the court should make the orders are
(Write the reasons why you think it would be in the best interest of the child that the party or parties be granted unsupervised visitation (parenting time) even though there are allegations against them of a history of abuse or substance abuse. The orders that you request about child custody or visitation must also be specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011(a)(5)(A) and 6323(c) require)
 below: [in Attachment 5c.](#) other (specify):

(3) Other (specify):

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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6. Supervised visitation (parenting time)

(To learn about supervised visitation, go to: selfhelp.courts.ca.gov/guide-supervised-visitacion.)

- a. I ask that petitioner respondent other parent/party have supervised visitation with the minor children.
- b. The reasons why the court should make the orders are *(specify)*
(Write the reasons why you think unsupervised visitation (parenting time) would NOT be in the best interest of the child.)
 Below [in Attachment 6b](#) Other *(specify)*:

c. I ask that the visitations be monitored by *(name, if known)*:

The provider's phone number is *(specify)*:

(1) The person or agency is a professional provider.

(A) A professional provider must meet the requirements listed in *Declaration of Supervised Visitation Provider (Professional)* ([form FL-324\(P\)](#)) and sign the declaration.

(B) Professional provider fees to be paid by: petitioner: _____ percent. respondent: _____ percent.
 other parent/party: _____ percent.

(2) The person is a nonprofessional provider. That person must meet the requirements listed in *Declaration of Supervised Visitation Provider (Nonprofessional)* ([form FL-324\(NP\)](#)) and sign a declaration.

d. Location of supervised visits. I request that supervised visitation be *(check one)*:

(1) In person at a safe location.

(2) Virtual visitation (not in person).

(3) Other *(describe)*: _____

e. Schedule for supervised visitation *(specify)*:

(1) Once a week, for *(number of hours for each visit)*: _____

(2) Two times each week, for *(number of hours for each visit)*: _____

(3) As specified in item 4.

(4) Other *(describe)*: _____

7. Transportation for visitation (parenting time) and place of exchange

Note: In cases of domestic violence, the court must have enough information to make orders that are specific as to the time, place, and manner of transfer (exchange) of the child for custody and visitation under Family Code section 6323(c).

- a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles and must have child restraint devices properly installed, as required by law.
- b. Transportation **to** begin the visits will be provided by *(name)*:
- c. Transportation **from** the visits will be provided by *(name)*:
- d. The exchange point at the beginning of the visit will be *(address)*:
- e. The exchange point at the end of the visit will be *(address)*:
- f. During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).
- g. Other *(specify)*:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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8. **Travel with children** The petitioner respondent other parent/party **must** have written permission from the other parent or party, or a court order, to take the children out of

a. the state of California.

b. the following counties (*specify*):

c. other places (*specify*):

9. **Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. I request the orders set out on attached [form FL-312](#).

10. **Child custody mediation**

I request an order for the parties to go to child custody mediation or child custody recommending counseling (*specify date, time, and location, if applicable*):

Note: Parents with a family court case who do not agree about child custody or visitation are required to attend mediation to try to develop a parenting plan that is in the best interest of their child. A party who alleges domestic violence in a written declaration under penalty of perjury or who is protected by a protective order may ask the mediator or child custody recommending counselor to meet with the parties separately and at separate times. A court order for separate sessions is not required.

11. **Children's holiday schedule.** I request the holiday and vacation schedule set out below [on form FL-341\(C\)](#)

12. **Additional custody provisions.** I request the additional orders for custody set out below [on form FL-341\(D\)](#)

13. **Other** (*specify*):

FL-311-INFO What Are Visitation or Parenting Time Orders?**What is visitation or parenting time?**

Visitation or parenting time is an order for how your children will spend time with each parent that is in the best interests of your children.

For information about child custody, read:

- *Child Custody Information Sheet-Recommend Counseling* (form [FL-313-INFO](#))
- *Child Custody Information Sheet-Child Custody Mediation* (form [FL-314-INFO](#))

Four Types of Orders:**1 Scheduled visits**

These are orders with a set schedule of the dates and times that your children will be with each parent. The schedule can include holidays, special occasions, vacations, and other important dates for the family.

2 Reasonable

These are open-ended orders that allow parents to work out a plan on their own. This type of plan can work if parents get along very well, can be flexible, and communicate well. Generally, this type of plan is not suitable for cases with domestic violence.

3 Supervised visits

A judge makes these orders when there are safety concerns. A parent and child have a neutral third person watching and listening during the visit. The neutral third person can be professional or nonprofessional.

Professional Provider

A professional provider (or "monitor") is a person with special training that has passed a background check. Professional providers charge a fee. They are also mandated reporters which means that they must report suspected child abuse to the local child welfare department (CPS). Your local court may have a list of local professional providers.

Nonprofessional Provider

A nonprofessional provider is usually a friend or family member who is not paid and does not have special training. If it would be dangerous for your child to be alone with the other parent, a nonprofessional provider may not be the best option.

For more information about supervised visits, go to:

- selfhelp.courts.ca.gov/guide-supervised-visitation
- courts.ca.gov/cfcc-accessstovisitation.

4 No Visits

Finally, the court may make this order if visiting with a parent, even if supervised, would be physically or emotionally harmful to the children.

What are virtual visits?

California law defines "virtual visits" as use of audiovisual electronic communication tools to provide contact between a parent and their children as part of a parenting plan or custody order. This means that a parent and child must use some kind of electronic communication that allows them to see and hear each other (for example, using Zoom, Facetime, or WhatsApp). Virtual visits may require access to the internet during the visit and may be supervised or unsupervised.

Are virtual visits a good option for us?

Virtual visits may be a good option if you have safety concerns, or if the other parent lives far away from the children. It can also be a good option if the other parent hasn't seen the children in a long time.

Some cases may not be appropriate for virtual visits, whether supervised or unsupervised. Your child's age may be a factor. Younger children may not be able to sit through a long virtual visitation. If virtual visits are part of the court-approved parenting plan, or part of your supervised visits, you can use the worksheet on page 2 to help you plan for them.

What about orders for child exchanges?

"Child exchanges" means how your child will get from one parent to the other before and after the visit.

You can ask for orders that would not require you to meet the other parent, like having the other parent pick up from school or daycare. Or you can ask for supervised exchanges. In a supervised exchange, a neutral third person is involved and will help you with transferring the children to other parent so you don't have to meet with the other parent.



When you ask for visitation orders, give details about when visits will happen, how often they should happen, and who will be responsible for transporting the children before and after the visit.

How do I ask the court for these orders?

If you already have a family law case, you can ask the court for child custody, visitation (parenting time), and child exchange orders by completing *Request for Order* (form FL-300) and filing it in the court where your case was started. Information about how to file this and other forms is found in *Information Sheet for Request for Order (Family Law)* (form [FL-300-INFO](#)).

If you need to start a case in family court to ask for these orders, information is available online to help you decide which type of case to file. Go to selfhelp.courts.ca.gov/child-custody/filing-options.

Where can I find free legal help?

- Contact the self-help center in your court. Their staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Find your local court's self-help center at selfhelp.courts.ca.gov/find.
- Contact a local legal aid agency or community-based nonprofit at www.lawhelpca.org.

What if there is domestic violence or a protective order?

- If there is domestic violence or a protective order, before making a parenting plan, talk with an attorney, counselor, child custody mediator, child custody recommending counselor, or contact the self-help center in your court.
- Read *Asking for Child Custody and Visitation Orders* (form [DV-105-INFO](#)).
- For more information and resources, call the National Domestic Violence Hotline at 1-800-799-7233 (TDD: 1-800-787-3224) or call 211 if available in your area.

Plan for Your Virtual Visits

(You can use this as a worksheet.)

- **Before** your visit, make sure the program, like a mobile app or web app, works on your phone or computer. Make sure you have an internet connection and know how to use the app.
- **Before** your virtual visit or virtual supervised visit, make a plan. For example, have an activity ready like reading a book to your child. The length of your visit should be age-appropriate. Review the court order to be clear on how long your visit will be.

Write your plan here:

If you have virtual supervised visitation, ask the provider questions ahead of time (for example, during your scheduled orientation with the provider). You can write your questions here:

During your visit, make sure you:

- Find a quiet room or space for your virtual visits or virtual supervised visits.
- Have any games, books, or other activity ready and in front of you.
- Be ready to be flexible. Technical issues may come up that impact your visit.

During your visit, make sure you do not:

- Have another person participate in the visit unless a judge gave the person permission to do so.
- Talk about your court case with your child.
- For virtual supervised visitation, do not whisper or communicate in other ways that would not allow the provider to see or hear your interaction with the child.

SUPERVISED VISITATION AND EXCHANGES SERVICES PROVIDER <i>(name and address)</i> : NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. <i>(Optional)</i> : EMAIL ADDRESS <i>(Optional)</i> :	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 03/18/25
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	
DECLARATION OF SUPERVISED VISITATION AND EXCHANGE SERVICES PROVIDER (NONPROFESSIONAL)	CASE NUMBER:

1. **Purpose.** I submit this form to declare that *(check all that apply)*:
- a. I am not being paid to provide supervised visitation and exchange services.
 - b. I am in compliance with all mandatory requirements for nonprofessional providers of supervised visitation and exchange services as defined in Family Code section 3200.5 and standard 5.20 of the Standards of Judicial Administration.
 - c. I am in compliance with the alternative qualifications specified in 2b.

2. **Qualifications** *(complete a or b)*:
- a. **Standard qualifications.** I meet the qualifications to provide nonprofessional supervised visitation and exchange services under Family Code section 3200.5 as follows *(check all that apply)*:
 - (1) I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
 - (2) I will not be transporting the child.
 - (3) I will be transporting the child by automobile and I have proof of automobile insurance.
 - (4) I agree to adhere to and enforce the court order regarding supervised visitation and exchange services.
 - (5) There is no current or past court order in which I (the nonprofessional provider) was the person being supervised.
 - b. **Alternative qualifications.** I meet other qualifications to provide nonprofessional supervised visitation and exchange services, as follows *(check all that apply)*:
 - (1) The court has ordered other qualifications and I meet those qualifications *(see attached copy of the court order)*.
 - (2) The parties have stipulated (agreed) to different qualifications and I meet those qualifications *(see attached copy of the parties' stipulation (agreement), which was approved and signed by the court)*.

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

NOTICE: Additional requirements may apply to be able to serve as a nonprofessional supervised visitation and exchange services provider. See standard 5.20 of the Standards of Judicial Administration.

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

Print this form

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SUPERVISED VISITATION AND EXCHANGE SERVICES PROVIDER <i>(name and address)</i> : NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. <i>(Optional)</i> : EMAIL ADDRESS <i>(Optional)</i> :	FOR COURT USE ONLY DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL v. 03/18/25
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARTY/PARENT:	
DECLARATION OF SUPERVISED VISITATION AND EXCHANGE SERVICES PROVIDER (PROFESSIONAL)	CASE NUMBER:

1. **Purpose.** In this form, I declare that I comply with all mandatory requirements for professional providers of supervised visitation and exchange services under Family Code [section 3200.5](#) and [standard 5.20](#) of the Standards of Judicial Administration.
2. **Type of submission.** I am *(check a or b)*:
 - a. completing this form before I provide initial supervised visitation and exchange services in the case.
 - b. updating this form and attaching an original report of the supervised visitation and exchanges that I monitored.
 - (1) The report is dated *(specify date)*:
 - (2) Copies of the report were also sent to all parties and their attorneys and the attorney for the child.
3. I am paid to provide supervised visitation services and exchange services as an independent contractor, employee, intern, or volunteer operating independently or through a supervised visitation and exchange services center or agency.
4. **Qualifications.** I meet the qualifications listed in Family Code section 3200.5 for this position as follows *(check all that apply)*:
 - a. I am 21 years of age or older.
 - b. I have no record of a conviction for driving under the influence (DUI) within the last five years.
 - c. I have not been on probation or parole for the last 10 years.
 - d. I have no record of a conviction for child molestation, child abuse, or other crimes against a person.
 - e. I have proof of automobile insurance for transporting the child.
 - f. I have had no civil, criminal, or juvenile restraining orders within the last 10 years.
 - g. There is no current or past court order in which I am the person being supervised.
 - h. I agree to speak the language of the party being supervised and of the child, or I will provide a neutral interpreter over the age of 18 years who is able to do so.
 - i. I agree to adhere to and enforce the court order regarding supervised visitation and exchange services.
 - j. I completed a Live Scan criminal background check before providing services.
 - k. I am registered as a TrustLine provider.
5. **Training.** I meet the training requirements under Family Code section 3200.5 as follows *(check all that apply)*:
 - a. I completed 24 hours of training, including at least 12 hours of classroom instruction in all required subjects.
 - b. I completed the California Department of Social Services' online training course required for mandated reporters.

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

Date: _____

_____ ▶ _____
 (TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

NOTICE: See standard 5.20 of the California Standards of Judicial Administration for further requirements that may apply.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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CHILD CUSTODY AND VISITATION (PARENTING TIME) ORDER ATTACHMENT

- TO **Findings and Order After Hearing (form FL-340)** **Judgment (form FL-180)** **Judgment (form FL-250)**
 Stipulation and Order for Custody and/or Visitation of Children (form FL-355)
 Other (specify):

- Jurisdiction.** This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (Fam. Code, §§ 3400–3465).
- Notice and opportunity to be heard.** The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
- Country of habitual residence.** The country of habitual residence of the child or children in this case is
 the United States Other (specify):
- Penalties for violating this order.** If you violate this order, you may be subject to civil or criminal penalties, or both.
- Child abduction prevention.** There is a risk that one of the parties will take the children out of California without the other party's permission. (*Child Abduction Prevention Order Attachment (form FL-341(B))* is attached and must be obeyed.)
- The court refers the parties to child custody mediation or child custody recommending counseling as follows:

7. **Child custody.** Custody of the minor children of the parties is awarded as follows:

a. <u>Child's Name</u>	<u>Birth Date</u>	Legal custody to: <i>(person who decides about the child's health, education, and welfare)</i>	Physical custody to: <i>(person the child regularly lives with)</i>
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- b. Joint legal custody of the child or children will be exercised as specified in *Joint Legal Custody Attachment (form FL-341(E))* [Attachment 7b.](#)

8. **Child custody and visitation (parenting time) involving allegations of a history of abuse or substance abuse**

- Allegations have been raised in form FL-311, other documents filed in the court, or in a court hearing that
 petitioner respondent other parent/party **has (or have) (check all that apply):**
 - A history of abuse against any of the following persons: a child, the other parent, their current spouse, or the person they live with or are dating or engaged to.
 - The habitual or continual illegal use of controlled substances, or the habitual or continual abuse of alcohol, or the habitual or continual abuse of prescribed controlled substances.
- The court's findings and order are found in *Mandatory Findings for Child Custody and Visitation Attachment (form FL-341(F))*, or another document with the same information is attached to this form.

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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9. **Visitation (Parenting Time)**
- a. Reasonable right of visitation to the party without physical custody (**not appropriate in cases involving domestic violence**)
 - b. See the attached _____ -page document
 - c. No Visitation (parenting time)
 - d. The visitation (parenting time) will be supervised as specified in the attached *Supervised Visitation Order* (FL-341(A)).
 - e. Visitation (parenting time) for the petitioner respondent other (name):
 will be in person, by virtual visitation, and/or other ways as specified below:

(1) **In person**, as follows

(A) **Weekends starting** (date):

(Note: The first weekend of the month is the first weekend with a Saturday.)

Weekend	Day(s)	Times	Start of (or After) School (if applicable)	
<input type="checkbox"/> 1st	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 2nd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 3rd	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 4th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
<input type="checkbox"/> 5th	from _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after
	to _____ at _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> start of	<input type="checkbox"/> after

(a) The parties will alternate the fifth weekends, with the petitioner respondent other parent/party having the initial fifth weekend, starting (date):

(b) The petitioner respondent other parent/party will have the fifth weekend in odd even numbered months.

(B) **Alternate weekends starting** (date):

from _____ at _____ a.m. p.m. start of after
 to _____ at _____ a.m. p.m. start of after

(C) **Weekdays starting** (date):

from _____ at _____ a.m. p.m. start of after
 to _____ at _____ p.m. p.m. start of after

(D) **Other visitation (parenting time) days and restrictions are** listed in Attachment 9e(1)(D) (form MC-025 may be used for this purpose) as follows:

(2) **Virtual visitation**, as follows:

(3) **Other ways visitation can happen** that are in the best interests of the child.

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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10. **Supervised visitation (parenting time).**

Until further order of the court other (*specify*):

petitioner respondent other parent/party (*name*):

will have supervised visitation (parenting time) with the minor children according to the attached **Supervised Visitation Order (form FL-341(A))**.

11. **Transportation for visitation (parenting time) and place of exchange**

a. The children must be driven only by a licensed and insured driver. The vehicle must be legally registered with the Department of Motor Vehicles, and must have child restraint devices properly installed, as required by law.

b. Transportation **to** begin the visits will be provided by the petitioner respondent other (*specify*):

c. Transportation **from** the visits will be provided by the petitioner respondent other (*specify*):

d. The exchange point at the beginning of the visit will be at (*address*):

e. The exchange point at the end of the visit will be at (*address*):

f. During the exchanges, the party driving the children will wait in the car and the other party will wait in the home (or exchange location) while the children go between the car and the home (or exchange location).

g. Other (*specify*):

12. **Travel with children.** The petitioner respondent other parent/party (*name*): **must** have written permission from the other parent or a court order to take the children out of

a. the state of California.

b. the following counties (*specify*):

c. other places (*specify*):

13. **Holiday schedule.** The children will spend holiday time as listed below in the attached schedule. (*Children's Holiday Schedule Attachment (form FL-341(C))* may be used for this purpose.)

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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14. **Additional custody provisions.** The parties will follow the additional custody provisions listed below in the attached schedule. (*Additional Provisions—Physical Custody Attachment* ([form FL-341\(D\)](#)) may be used for this purpose.)

15. **Access to children's records.** Both the custodial and noncustodial parent have the right to access records and information about their minor children (including medical, dental, and school records) and consult with professionals who are providing services to the children.

16. **Other** (*specify*):

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

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PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT/PARTY:	CASE NUMBER:
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SUPERVISED VISITATION ORDER

ATTACHMENT TO: **Child Custody and Visitation (Parenting Time) Order Attachment (form FL-341)**
 Other (specify):

- Evidence has been presented in support of a request that the contact of Petitioner Respondent Other Parent/Party with the child(ren) be supervised based upon allegations of
 abduction of child(ren) physical abuse drug abuse neglect
 sexual abuse domestic violence alcohol abuse other (specify):
 Petitioner Respondent Other Parent/Party disputes these allegations and the court reserves the findings on these issues pending further investigation and hearing or trial.
- The court finds, under Family Code section 3100, that the best interest of the child(ren) requires that visitation by Petitioner Respondent Other Parent/Party must, until further order of the court, be limited to contact supervised by the person(s) set forth in item 6 below pending further investigation and hearing or trial.

THE COURT MAKES THE FOLLOWING ORDERS

3. CHILD(REN) TO BE SUPERVISED

<u>Child's Name</u>	<u>Birth Date</u>	<u>Age</u>	<u>Sex</u>
---------------------	-------------------	------------	------------

4. **TYPE** Supervised visitation Supervised exchanges

5. **AUTHORIZED PROVIDER** Professional (individual provider or supervised visitation center) Nonprofessional
Name Address Telephone

Any other mutually agreed-upon third party as arranged.

6. LOCATION AND SCHEDULE FOR VISITS

a. Location of supervised visits (check one):

- In person at a safe location.
- Virtual visitation (not in person).
- Other (describe):

b. Schedule for supervised visitation (specify):

- Once a week, for (number of hours for each visit):
- Two times each week, for (number of hours for each visit):
- According to the schedule specified in:
 - Form FL-341
 - Other

7. **PAYMENT RESPONSIBILITY** Petitioner: % Respondent: % Other Parent/Party: %

- Petitioner will contact professional provider or supervised visitation center no later than (date):
- Respondent will contact professional provider or supervised visitation center no later than (date):
- Other Parent/party will contact professional provider or supervised visitation center no later than (date):

9. THE COURT FURTHER ORDERS

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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1. d. (4) **Unsupervised visitation (parenting time)**

- (1) Even though there are allegations of a history of abuse or substance abuse under Family Code section 3011, the parent or parents named in item 1a has (or have) unsupervised visitation (parenting time) with the minor children as set out in *(specify)*:
 - Judgment* (form FL-180)
 - Findings and Order After Hearing* (form FL-340)
 - Judgment* (form FL-250)
 - Stipulation and Order for Custody and/or Visitation (Parenting Time)* (form FL-355)
 - Other (specify)*:
- (2) The orders for visitation (parenting time) are in the best interest of the child, protect the safety of the parties and the child, and are specific as to time, day, place, and manner of transfer of the child, as Family Code sections 3011 and 6323(c) require.
- (3) The reasons for granting unsupervised visitation to the person(s) alleged to have a history of abuse or substance abuse:
 - (a) Are attached to this order.
 - (b) Were given at the court hearing on the record.
 - (c) Are explained below:

2. **Parent has committed domestic violence in the last five years** (*Fam. Code, § 3044*)

- a. Parent (*name*): _____ has committed domestic violence in the last five years.
- b. Until further court order (*check 1 or 2*):
 - (1) The parent in 2a must **not** have sole or joint (shared) custody of the children.
 - (2) The parent in 2a is granted sole or joint custody of the children. (*Complete (a) and (b) below*):
 - (a) The custody order is in the best interests of the children. In deciding the best interests of the children, the court has **not** used the preference for frequent and continuing contact with both parents.
 (*Court's reasons*): _____

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. (b) The court has balanced all required factors that are listed below.

(i) The parent has completed a batterer intervention program.

Yes No

(Explain, as needed):

(ii) The parent has completed a program for alcohol or drug abuse counseling, if the court decides that the program was appropriate.

Yes No Does not apply

(Explain, as needed):

(iii) The parent has completed a parenting class, if the court decides that the class was appropriate.

Yes No Does not apply

(Explain, as needed):

(iv) The parent is on probation or parole and has complied with all conditions.

Yes No Does not apply

(Explain, as needed):

THIS IS A COURT ORDER.

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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2. (b) (v) The parent has complied with all restraining and protective orders.

Yes No Does not apply

(Explain, as needed):

(vi) The parent has not committed additional acts of domestic violence.

Yes No

(Explain, as needed):

(vii) The parent is subject to a domestic violence restraining order and has relinquished all firearms and ammunition the court has found to be in their possession or control.

Yes No Does not apply

(Explain, as needed):

(viii) Additional reasons, if any:

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. **Parent Staying in Confidential Location** (Fam. Code, § 3100(e))

a. The court finds that:

(1) Parent (*name*): _____ is staying in a confidential location due to domestic violence or fear of domestic violence by the other parent.

(2) The orders for custody and visitation are designed to keep the location of that parent confidential, and protect all persons staying at the confidential location.

b. Until further court order:

(1) Parent (*name*): _____

(2) (*check one*):

must **not** have in-person visits

may have in-person visits (*complete (a), (b), and (c) below*):

(a) With all the children listed on (*specify*): _____

The following children (*name*): _____

(b) The parent in 3b(1) may have in-person visits with the children listed in (A) because:

It is in the best interests of the children.

(*Court's reasons*): _____

(c) The court has considered all the required factors (*complete section below*):

(i) The parent in 3b(1) has access to firearms or ammunition.

Yes No

(*Explain, as needed*): _____

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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3. b. (2) (c) (ii) The parent in 3b(1) has complied with (followed) all restraining and protective orders.
 Yes No Does not apply

(Explain, as needed):

(iii) The court has considered information provided under Family Code sections 6306 (background check) and 3011.

Yes No Does not apply

(Explain, as needed:)

(iv) The order has potential for revealing confidential location.

Yes No

(Explain, as needed):

4. **Other Findings** *(if any):*

Date:

80

JUDICIAL OFFICER

THIS IS A COURT ORDER.

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NUMBER: 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 v. 03/18/25
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	
STIPULATION AND ORDER FOR CUSTODY AND/OR VISITATION (PARENTING TIME) <input type="checkbox"/> MODIFICATION	CASE NUMBER:

The parties signing this stipulation agree that:

1. This court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.

In addition, the parties agree that (check item 3 or 4):

3. The attached agreement, dated (specify): _____ and consisting of (number): _____ pages is their agreement for custody and/or visitation (parenting time).
4. The attached forms are their agreement for custody and/or visitation (parenting time):
 FL-341 FL-341(A) FL-341(B) FL-341(C) FL-341(D) FL-341(E)

The parties further agree that (check all that apply):

5. a. Their agreement is in best interest of their child or children and they ask that it be made the order of the court.
- b. (1) The case involves allegations a history of abuse or substance abuse by (check all that apply): petitioner respondent other parent/party
- (2) The attached agreement, if applicable, specifies the reasons why sole or joint custody (or unsupervised visits) are given to the parties alleged to have a history of abuse or substance abuse. Further, the agreement is in the best interests of their child or children and is specific as to time, day, place, and manner of transfer of the child or children, as Family Code sections 3011 and 6323 require.

6. The parties acknowledge they were advised that any violation of this order may result in civil or criminal penalties, or both.

Each party declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR PETITIONER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR RESPONDENT)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF OTHER)
Date: _____ (TYPE OR PRINT NAME)	▶	_____ (SIGNATURE OF ATTORNEY FOR OTHER)

PETITIONER: RESPONDENT: OTHER PARENT/PARTY:	CASE NUMBER:
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FINDINGS AND ORDERS

1. This court has jurisdiction over the minor children because California is the children's home state.
2. The habitual residence of the children is the United States of America.
3. The parties have been advised that any violation of this order may result in civil or criminal penalties, or both.
4. The court finds that this order is in the best interests of the child or children listed in the parties' agreement.
5. There are allegations in this case of a history of abuse or substance abuse by a parent or parents and the court grants sole custody, joint custody, or unsupervised visitation (parenting time) to a parent or parents with an alleged history of abuse or substance abuse. The court finds that the order is in the best interests of the child or children listed in the parties' agreement and protects the safety of the child or children and the safety of the parties.
 The reasons for making the orders (*check all that apply*):
 - a. Are attached to this order. *Mandatory Findings for Child Custody and Visitation* (form FL-341(F)) may be used for this purpose.
 - b. Were given at the court hearing on the record.
6. The court adopts the parties' agreement regarding child custody and/or visitation (parenting time) as the order of the court, as specified in the attached:

document dated (*specify*): _____ and consisting of (*number*): _____ pages or forms:

FL-341 FL-341(A) FL-341(B) FL-341(C) FL-341(D) FL-341(E)
7. Other orders:

Date: _____

82

JUDICIAL OFFICER

**STIPULATION AND ORDER FOR CUSTODY
AND/OR VISITATION (PARENTING TIME)**

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

Print this form

Save this form

Clear this form

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Circulate for comment (January 1 cycle)

Title of proposal: Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759

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

Adopt forms DV-850 and JV-276; revise forms CLETS-001, DV-120, DV-120-INFO, DV-130, JV-247, JV-255, JV-259, and JV-265

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee

Staff contact (name, phone and email): Frances Ho; 415-865-7662; frances.ho@jud.ca.gov; Kerry Doyle; 415-865-8791; kerry.doyle@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): October 22, 2024; amended November 26, 2024

Project description from annual agenda: Item 1: AB 2759 (Petrie-Norris) Domestic violence protective orders: possession of a firearm (Stats. of 2024, Ch. 535) Revises the exemption in existing law pertaining to the issuance of a protective order or restraining order and the relinquishment of a firearm to clarify and expand the standard considered by the court in making determinations as to sworn peace officers carrying a firearm either on or off duty, as a condition of employment.

Item 10: The committee will consider revision to form CLETS-001, to include the date of birth for protected persons, as suggested by a stakeholder, to ensure entry of protected person information into the federal restraining order database. The committee will also seek public comment on recent changes to the form to allow the protected person to list any body armor that the proposed restrained person might have or own.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

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.)

Forms equivalent to forms DV-850 and JV-276 are also being proposed for criminal protective orders and other civil restraining orders. Those proposals are: (1) Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899, and (2) Criminal Law: Criminal Protective Orders.

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)
This report or invitation to comment was:
 - reviewed by EGG on (date) 2.26.25
 - approved by Office Director (or Designee) (name) Anna Maves on (date) 3.5.25

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-26

Title	Action Requested
Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt forms DV-850 and JV-276; revise forms CLETS-001, DV-120, DV-120-INFO, DV-130, JV-247, JV-255, JV-259, and JV-265	January 1, 2026
Proposed by	Contact
Family and Juvenile Law Advisory Committee	Frances Ho, 415-865-7662 frances.ho@jud.ca.gov
Hon. Tari L. Cody, Cochair	Kerry Doyle, 415-865-8791 kerry.doyle@jud.ca.gov
Hon. Stephanie E. Hulse, Cochair	

Executive Summary and Origin

Assembly Bill 2759 (Petrie-Norris; Stats. 2024, ch 535.), effective January 1, 2025, created new requirements for granting a firearm exemption to a restraining order that includes a firearm or ammunition prohibition. The Family and Juvenile Law Advisory Committee proposes changes to domestic violence and juvenile restraining order forms to reflect the new requirements. The committee also proposes revisions to form CLETS-001 to include an instruction for petitioners of retail theft protective orders and to make other changes in response to suggestions from stakeholders

Background

For any restraining order issued in California that includes a firearm or ammunition prohibition (except gun violence restraining orders), the court may grant the restrained person an exemption (permission) to have a specific firearm or ammunition for work if the court makes certain findings. AB 2759 changed a number of requirements related to the exemption.

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 new requirements are stated in Family Code section 6389(h) and include that:

- The court may not grant an exemption if the restrained person would otherwise be prohibited from having firearms or ammunition by state or federal law;
- The court must find that the restrained person does not pose a “threat of harm to a protected party or the public” by having access to the specific firearm or ammunition;
- If the exemption is granted and the restrained person is not a peace officer, the specific firearm or ammunition may be used at work but cannot be transported to/from work; and
- The court may order a nonsworn peace officer to complete a psychological evaluation by a licensed mental health professional with domestic violence expertise.

The Proposal

This proposal is needed to implement the new provisions in Family Code section 6389(h) created by AB 2759, and to make changes to form CLETS-001. The Family and Juvenile Law Advisory Committee proposes:

- Adopting two new order forms, *Permission to Have Firearm or Ammunition for Work* (forms DV-850 and JV-276); and
- Revising eight Judicial Council forms:
 - Confidential Information for Law Enforcement (form CLETS-001);
 - Response to Request for Domestic Violence Restraining Order (form DV-120);
 - How Can I Respond to a Request for Domestic Violence Restraining Order? (form DV-120-INFO);
 - Restraining Order After Hearing (form DV-130);¹
 - Response to Request for Juvenile Restraining Order (form JV-247);
 - Juvenile Restraining Order After Hearing (form JV-255);
 - Response to Request for Juvenile Restraining Order Against a Child (form JV-259); and
 - Juvenile Restraining Order Against a Child—Order After Hearing (form JV-265).

¹ The change to item 4 in form DV-130 is to correct a technical error. A proposal to correct this technical error, and to make other minor non-substantive changes, will be considered by the council on April 24, 2025, and if approved, will take effect on April 28, 2025.

New firearm exemption forms: DV-850 and JV-276

For each of the DV and JV form sets, the committee proposes adopting a new form, *Permission to Have Firearm or Ammunition for Work* (forms DV-850 and JV-276), to ensure that these orders, when granted, are clear and legally accurate. This form would be completed by the court if an exemption is granted and attached to an *Order After Hearing* form.²

Response forms: DV-120, DV-120-INFO, JV-247, and JV-259

For the forms used to respond to a request for a restraining order (forms DV-120, JV-247, and JV-259), the committee proposes including questions under the existing item, *Firearms (Guns), Firearm Parts, and Ammunition*, to ascertain whether the restrained person is a sworn peace officer and whether they are prohibited from having firearms or ammunition by any other law or order.³ Additionally, the committee proposes adding a note describing some of the requirements of Family Code section 6389(h) and referring the restrained person to the California court’s self-help website and section 6389(h) for more information on exemption requirements.⁴

For form DV-120-INFO, the committee proposes adding information about the availability of the exemption and referring to the California court’s self-help website and the applicable law for more information.⁵

Order After Hearing forms: DV-130, JV-255, and JV-265

The forms for ordering a restraining order after a hearing (forms DV-130, JV-255, and JV-265) currently contain an item related to the firearm exemption. An example is provided below:

Form DV-130, at item 8(f):

f. Limited Exemption: The judge has made the necessary findings to grant an exemption under Family Code section 6389(h). Under California law, the person in (2) is not required to relinquish this firearm (*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 person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

² Equivalent forms for criminal protective orders and other civil restraining orders are also being proposed. Those proposals entitled *Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759* and *Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders* are available at courts.ca.gov/policy-administration/invitations-comment.

³ See item 26(c) on form DV-120, item 13(c) on form JV-247, and item 9(c) on form JV-259.

⁴ The webpage will be created and published by January 1, 2026.

⁵ See page 3 on form DV-120-INFO, section starting with “What if I need to have a firearm or ammunition for my job?”. Note that another section on page 3, starting with “What if I have access to firearms or ammunition?” is being proposed in a separate proposal to implement AB 3072. That proposal, *Family Law and Protective Orders: Implementation of SB 599 and AB 3072*, is available at courts.ca.gov/policy-administration/invitations-comment.

The committee proposes revising this item to reference the new firearm exemption order form, as shown below:

- f. Permission to Have Firearm or Ammunition for Work: The judge has made the necessary findings to grant an exception under Family Code section 6389(h). The orders are included on form DV-850, *Permission to Have Firearm or Ammunition for Work*.

Other changes needed to forms JV-255 and JV-265

Effective January 1, 2025, the council approved a new notice form for juvenile restraining order hearings, *Notice of Court Hearing* (form JV-249). When this form was approved, the service items on the juvenile restraining order after hearing forms (forms JV-255 and JV-265) were not revised to reflect service of this new form.⁶ The committee therefore proposes revising the service items to (1) include a reference to this new notice form, (2) remove the reference to the request form (form JV-245), and (3) clarify that proof of service of the temporary restraining order (form JV-250) needs to be provided only if that form is issued. The committee further proposes revising the service item to require personal service of the order after hearing if the restrained person was not at the hearing and a temporary restraining order was not issued. These revisions would mirror the current service item on the domestic violence restraining order after hearing form.⁷

Form CLETS-001

The committee proposes the following changes to form CLETS-001:

- Clarifying in the instruction box at the top of page 1 that the primary protected person’s information goes in items 2 and 3. This instruction is directed at juvenile court attorneys or others who may be completing the form on behalf of the primary protected person.
- At item 1, add the restrained person’s gender, race, age, and date of birth. In 2024, these fields were removed, as they were duplicative of the restraining order itself. However, personnel entering the restraining order into law enforcement databases report that having these required fields on form CLETS-001 is helpful and could decrease data entry errors.
- Before item 3, instruct petitioners of retail theft restraining orders to skip items 3 and 4.⁸

⁶ See item 19b on form JV-255 and item 16b on form JV-265.

⁷ See item 32b on form DV-130.

⁸ Assembly Bill 3209 (Stats. 2024, ch. 169) established a new type of restraining order to address retail theft (crime). A proposal to implement AB 3209, *Protective Orders: New Civil Retail Crime Restraining Order*, was released for public comment in the winter of 2024. The proposal is available at courts.ca.gov/policy-administration/invitations-comment/past-proposals. If approved by the Judicial Council, the new forms for retail theft will be effective July 1, 2025.

- At item 3, add an instruction that the date of birth of any protected person is necessary for entry into a federal law enforcement database.

The committee also notes that, effective January 1, 2025, “body armor” was added to item 1 to allow the petitioner to indicate whether the respondent has body armor in their possession or control. This addition was approved as part of a proposal to implement Assembly Bill 92 (Connolly; Stats. 2023, ch 232.)⁹ and was made in response to a suggestion made by the California Department of Justice that having this information could help officer safety. Because this change was made without public comment under California Rules of Court, rule 10.22(d)(2), the committee seeks comment on the addition of “body armor” at item 1.

Alternatives Considered

Because AB 2759 made significant changes to the requirements for granting a firearm exemption, the committee determined that taking no action would be inappropriate. The committee considered not proposing the adoption of the new attachment form, but rejected this approach due to the complexity of granting a firearm exemption for work.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly approved and revised forms. Courts will also incur costs to incorporate the revised forms into paper and electronic processes.

⁹ The proposal, *Protective Orders: Implementation of Body Armor Restrictions Under Assembly Bill 92*, is available at jcc.legistar.com/View.ashx?M=F&ID=13261944&GUID=F6EF8BFC-C1D4-44F5-9149-344CDDAF4C73.

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 two 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 CLETS-001, DV-120, DV-120-INFO, DV-130, DV-850, JV-247, JV-255, JV-259, JV-265, and JV-276, at pages 7–59
2. Link A: Assem. Bill 2759,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2759

CLETS-001 Confidential Information for Law Enforcement

Instructions:

- If you are asking for a restraining order, you must complete this form and give it to the court clerk, along with the other court forms required in your case. For juvenile orders, list the primary protected person’s information in ② and ③.
- If the judge grants the restraining order, information you give on this form will be entered into a California database (called CLETS) to help law enforcement enforce the order.
- If information changes later, you may complete this form again and turn it in to the court.

To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.

Court fills in case number when form is received.

Case Number: _____

Date received by court: _____

Information that has a star (*) next to it is required. All other information is helpful.

① Person You Want a Restraining Order Against

***Name:** _____

Other names used: _____

***Gender:** M F Nonbinary ***Race:** _____

***Age:** _____ (estimate, if age unknown) **Date of Birth:** _____

Marks, scars, or tattoos: _____

Driver’s license (number and state): _____ SSN: _____

Vehicle type: _____ Model: _____ Year: _____ Plate number: _____

Telephone: _____

Name of employer and address: _____

Does the person speak English?

- Yes
- No (list language): _____
- I don’t know

Does the person have any firearms (guns), firearm parts, ammunition, or body armor?

- No
- I don’t know
- Yes (Give any information you have below, like the type, amount, or location of any items, if known.)

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



2 *Your Name: _____

*(Skip **3** and **4** if you are asking for a gun violence (form GV-100) or retail crime (form RT-100) restraining order.)*

3 Your Information

***Gender:** M F X (nonbinary) **Race:** _____

***Age:** _____ **Date of Birth (month, day, year):** _____

(If the judge grants the restraining order, your information will be entered into a federal law enforcement database if you provide your date of birth.)

Telephone: _____

Do you speak English? Yes No *(list language):* _____

4 Other People You Want Protected

(If the judge grants the restraining order, the information of any people listed below will be entered into a federal law enforcement database if you provide their date of birth.)

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

***Name:** _____ ***Gender:** _____ **Race:** _____ **Date of Birth:** _____

Check here if you have more people to list. Write them on a separate piece of paper, write “Item 4” at the top, and attach it to this form.

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

Clerk stamps date here when form is filed.

Draft- Not approved by
the Judicial
Council-3.10.25

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. There is no cost to file this form with the court. You will need a copy of form DV-100, Request for Domestic Violence Restraining Order, that was filled out by the person who asked for a restraining order against you.

Do not use this form if you want to ask for your own restraining order. Read form DV-500-INFO, Can a Domestic Violence Restraining Order Help Me? to find out more about this type of restraining order.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

(See form DV-100, item 1):

2 Your Name:

! Address where you can receive court papers

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)



Your hearing date is listed on form DV-109, Notice of Court Hearing. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

This is not a Court Order.



How to complete this form: To answer the questions below, look at the form DV-100 filled out by the person in ①. Tip: When the restraining order forms say “the person in ②” that means you, and the “person in ①” means the person who is asking for a restraining order against you.

4 Information About You (see item ② on form DV-100)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

5 Your Relationship to the Person in ①

In item ③ of form DV-100, has the person in ① correctly described your relationship with them?

Yes No If no, what is your relationship with the person in ①?:

6 History of Court Cases and Restraining Orders (see item ④ on form DV-100)

The person in ① may have listed other court cases or restraining orders involving you. If information is incorrect or missing, use the space below to give information.

Check here if you are including a copy of restraining order or court order that you want the judge to know about.

7 Other Protected People

If the judge grants a restraining order, it can include family or household members of the person in ①. See item ⑧ on form DV-100 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. I agree to the order requested.
 b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

8 Order to Not Abuse (see item ⑩ on form DV-100)

- a. I agree to the order requested.
 b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



9 **No-Contact Order** (see item **11** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

10 **Stay-Away Order** (see item **12** on form DV-100)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

11 **Order to Move Out** (see item **13** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

12 **Other Orders** (see item **14** on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

13 **Child Custody and Visitation** (see item **15** on form DV-100 and DV-105)

- a. I am **not** the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*
- b. I am the parent of the child or children listed in form DV-105 (check one):
 - (1) I agree to the orders requested.
 - (2) I do not agree to the orders requested. (Complete form DV-125, *Response to Request for Child Custody and Visitation Orders*, and attach it to this form.)

This is not a Court Order.



14 **Protect Animals** (see item 16 on form DV-100)

- a. I agree to the orders requested.
b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

15 **Control of Property** (see item 17 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

16 **Health and Other Insurance** (see item 18 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

17 **Record Communications** (see item 19 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

18 **Property Restraint** (see item 20 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

19 **Pay Debt (Bills) Owed for Property** (see item 22 on form DV-100)

- a. I agree to the orders requested.
b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



20 **Pay Expenses Caused by the Abuse** (see item 23 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

21 **Child Support** (see item 24 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.
c. I agree to pay guideline child support. (Learn more about guideline child support at selfhelp.courts.ca.gov/child-support)

22 **Spousal Support** (see item 25 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

23 **Lawyer's Fees and Costs**

If the person in 1 checked item 26 on form DV-100, this means that they have asked the judge to order you to pay their lawyer's fees and costs. You may also ask for lawyer's fees and costs. The judge can order the person in 1 to pay for your lawyer's fees and cost if:

- (1) The person in 1's request for restraining order is denied;
- (2) The judge decides that the request was frivolous or was made only to abuse, intimidate, or cause unneeded delay; and
- (3) The person in 1 can afford to pay for your lawyer's fees and costs.

Check here if you want the person in 1 to pay for some or all of your lawyer's fees and costs.

24 **Batterer Intervention Program** (see item 27 on form DV-100)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



25 **Transfer Wireless Phone Account** (see item 28 on form DV-100)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

26 **Firearms (Guns), Firearm Parts, or Ammunition** (see item 29 on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you must follow the orders in 5 on form DV-110. You must file a receipt with the court from the law enforcement agency or a licensed gun dealer within 48 hours after you received form DV-110. You may use form [DV-800/JV-270](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.

(Check all that apply):

- a. I do not own or have any prohibited items (firearms (guns), prohibited firearm parts, or ammunition).
- b. I have turned in all prohibited items that I have or own to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items

(check all that apply):

- is attached
- has already been filed with the court.

- c. I ask for an exception to carry a firearm or ammunition for work. (Complete (1)–(3) below):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- Yes (explain): _____
- I don't know (explain): _____

(3) (Explain what your job is and why you need a firearm or ammunition): _____

Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self-help website to be created], or see Family Code section 6389(h).

This is not a Court Order.



27) No Body Armor (see item 30 on form DV-100)

If you were served with form DV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: this exception is granted by a chief of police or sheriff under Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

28) Cannot Look for Protected People (see item 31 on form DV-100)

- a. I agree to the order.
- b. I do not agree to the order.

Explain why you disagree, or describe a different order that you would agree to: _____

29) Additional Reasons I Do Not Agree with the Request (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper and write “DV-120, Additional Reasons I Do Not Agree with the Request” at the top.

This is not a Court Order.

30 **My Out-of-Pocket Expenses**

If the request for restraining order is denied by the judge at the court hearing, I ask the judge to order the person in ① to pay my out-of-pocket expenses because the temporary restraining order was granted without enough supporting facts. The expenses are:

For: _____	Because: _____	Amount: \$ _____
For: _____	Because: _____	Amount: \$ _____
For: _____	Because: _____	Amount: \$ _____

31 **Additional Pages**

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

32 **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

33 **Your Lawyer's Signature** *(if you have one)*

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Turn in your completed form with the court.
- If the person in ① asked for child support, spousal support, or lawyer's fees, you must complete form [FL-150](#), *Income and Expense Declaration*. If the person in ① is only asking for child support (item 24 on form DV-100), you may be eligible to fill out a simpler form, form [FL-155](#). Read form [DV-570](#) to see if you are eligible to fill out form FL-155. Before your court date, you must file form FL-150 or FL-155 with the court.
- Have someone else (not you) mail the person in ① a copy of your forms, and complete form [DV-250](#), *Proof of Service by Mail*. File form DV-250 with the court. *(The person who mails this form [DV-120](#) must be at least 18 years old and cannot be you or someone protected on the restraining order.)*
- Prepare for your court date by gathering evidence or witnesses, if you have any. Learn more at selfhelp.courts.ca.gov/respond-domestic-violence-restraining-order. More information is also available on form [DV-120-INFO](#), *How Can I Respond to a Request for Domestic Violence Restraining Order?*

This is not a Court Order.

DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

I was served with form DV-100, DV-109, or DV-110. What does this mean?

Someone has asked for a domestic violence restraining order against you. On the forms, you are the “person in ②” and the person who wants a restraining order against you is listed in ① on all the forms.

Form DV-100: This form has all the orders that the person in ① has asked the judge to order.

Form DV-109: Your court hearing (court date) is listed on this form. You should attend the court hearing if you do not agree to the orders requested. If you do not attend, the judge can make orders against you without hearing from you.

Form DV-110: If you were served with form DV-110, it means that the judge granted a temporary restraining order against you. You must follow the orders.

What is a Domestic Violence Restraining Order?

It is a court order that can help protect people who have been abused by someone they have been intimate with, or are closely related to. To be eligible, the person asking for the restraining order must be:

- Someone you date or used to date
- A spouse, ex-spouse, registered domestic partner, or ex-domestic partner
- Someone you live or lived with (more than a roommate)
- Your parent, sibling, child, grandparent, or grandchild related by blood, marriage, or adoption

What can a restraining order do?

A restraining order can include orders for you to:

- Not contact or harm the protected person, including children or others listed as protected people
- Stay away from all protected people and places
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes homemade or untraceable guns, like “ghost guns.”
- Move out of the place that you share with the protected person
- Follow custody and visitation orders
- Pay child support
- Pay spousal support
- Pay debt for property
- Give control of property (examples: cell phone, car, home) to the person asking for protection.

How long does the order last?

If the judge granted a temporary restraining order (form DV-110), it will last until the hearing date. At your court hearing, the judge will decide whether to extend the order or cancel the order. The judge can extend the order for up to five years. Custody, visitation, child support, and spousal support orders can last longer than five years and they do not end when the restraining order ends.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine. You must still follow the orders even if you are not a U.S. citizen. If you are worried about your immigration status, talk to an immigration lawyer.



DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What do I do next?

Part 1: Turn in or sell prohibited items

If there is a temporary restraining order against you (see form DV-110), then you must immediately turn in, sell, or store any prohibited items you have or own. Prohibited items include:



- **Firearms**, including any handgun, rifle, shotgun, and assault weapon
- **Firearm parts**, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame
- **Ammunition**, including bullets, shells, cartridges, and clips

You must then prove to the court that you've complied with the orders. Bring form [DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition](#), to a gun dealer or law enforcement when you turn in your items. After DV-800/JV-270 is complete, file it with the court. You may ask the court for information on how to turn in, sell, or store these items in your city or county. You can also read form [DV-800-INFO/JV-270-INFO, How Do I Turn In, Sell, Or Store My Firearms, Firearm Parts, and Ammunition?](#).

Part 2: Relinquish body armor

If there is a temporary restraining order against you (see form DV-110), you must relinquish any body armor that you have or own.

Note: If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with a chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

Part 3: Respond in writing (optional)

“Respond” means to let the judge and the other side know whether you agree or disagree with the request for restraining order, and why. Responding in writing is optional and there is no penalty if you don't. If you need more time to prepare for your case, talk to a lawyer or self-help center staff before you file a response.

If you want to respond in writing, complete form [DV-120, Response to Request for Domestic Violence Restraining Order](#). After you complete the form, file it with the court. There is no court fee to file this form. Then “serve” the form on the person asking for the restraining order. “Serve” means to have someone 18 years old or older mail a copy to the person asking for the restraining order. You cannot be the one to mail your papers. The person who mails your form must fill out form [DV-250, Proof of Service by Mail](#). After form DV-250 is completed, file it with the court.

Part 4: Get ready and go to your court hearing

Your court hearing is listed on form DV-109, *Notice of Court Hearing*. You have the option of attending your hearing in-person or remotely (by phone, or videoconference if available). For information on how to attend your hearing remotely, go to the court's website. Some courts may require advance notice. At the hearing, you and the other side will have the opportunity to tell your side of the story. For more information, read form [DV-520-INFO, Get Ready for the Restraining Order Court Hearing](#). If you need more time to prepare your case, you may ask the judge for a new court date. The judge will decide whether to grant your request. Read form [DV-115-INFO, How to Ask For a New Hearing Date](#), for more information. Note that if the judge does give you a new court date and if there is a temporary restraining order against you, the judge will usually extend the temporary restraining order until the next court date.



Do I need a lawyer?

It's possible to go through this process without a lawyer. But having a restraining order against you may have a lot of consequences, and you may want to hire a lawyer. If you don't hire a lawyer, you can get free help from your court's self-help center.

Where can I find a self-help center?

Free legal help is available at your court's self-help center. Find your local court's self-help center at selfhelp.courts.ca.gov/find. Self-help center staff will not act as your lawyer but may be able to give you information to help you decide what to do in your case, and help you with the forms. Staff may also refer you to other agencies who may be able to help you.

What if I was arrested or have criminal charges against me?

Anything you write in your court papers or say at a hearing for this case and for any criminal case can be used against you. Talk to a lawyer if you have any concerns about what you can do and say.

What if I have more than one restraining order against me?

If the police are called to enforce the order, they will need to follow the rules of enforcement (see "Priority of Enforcement" listed on the back of form DV-110, DV-130, and CR-160). If you have questions about any of the orders against you, contact your local self-help center or talk to a lawyer. Find your local court's self-help center at selfhelp.courts.ca.gov/find.

What if I have children with the person asking for a restraining order?

A restraining order can include orders for your children, including listing them as protected persons. It can also include child custody and visitation orders and orders to limit your ability to travel with your children.

What if I have access to firearms or ammunition?

If a restraining order is granted against you, and you do not follow the judge's order to turn in your firearms and ammunition, you have violated the restraining order and can be charged with a crime, fined, or go to jail. If you have a child, having illegal access to firearms or ammunition may impact your parenting time and whether you have custody of your children.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will have to prove (see Family Code section 6389(h)). For more information, go to [self-help website to be created].

DV-120-INFO How Can I Respond to a Request for Domestic Violence Restraining Order?

What if I want to leave the county or state?

You must still comply with the restraining order, including custody and visitation orders. The restraining order is valid anywhere in the United States.

Can I use the restraining order to get divorced or end a domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership.

What if I need a restraining order against the other person?

Do not use form DV-120 to request a domestic violence restraining order. For information on how to file your own restraining order, read form [DV-505-INFO](#), *How to Ask for a Domestic Violence Restraining Order*. You can also ask the court clerk about free or low-cost legal help.

What if I am a victim or survivor of domestic violence?

The National Domestic Violence Hotline provides free and private safety tips. Help is available in over 100 languages. Visit online at thehotline.org or call 1-800-799-7233; 1-800-787-3224 (TTY).

Information about the court process is also available online

selfhelp.courts.ca.gov/respond-to-DV-restraining-order

What if I need an interpreter?



You may use form [INT-300](#) to request an interpreter or ask the clerk how you can request one.

Request for Accommodations

You may use form [MC-410](#) to request assistance. Contact the disability/ADA coordinator at your local court for more information.



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 courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

Original Order Amended Order

3.13.25 DRAFT Not approved by the Judicial Council

1 Protected Person (name):

2 Restrained Person

*Full Name: *Gender: *Race: *Age: Date of Birth: Height: Weight: Hair Color: Eye Color: Relationship to person in 1: Address of restrained person: City: State: Zip: (Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

3 Other Protected People

In addition to the person in 1, the following persons are protected by orders as indicated in 13 through 16.

Table with 3 columns: Full name, Relationship to person in 1, Age

Check here if you need to list more people. List them on a separate piece of paper, write "DV-130, Other Protected People" at the top, and attach it to this form.

4 Expiration Date

This restraining order, except the orders noted below,* ends on: (date): at (time): a.m. p.m. or midnight. • Custody, visitation, child support, and spousal support orders remain in effect after the restraining order ends. • If no date is written, the restraining order ends three years after the date of the hearing in 6a. • If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 10.

This is a Court Order.



5 **Future Court Hearing**



The person in ① person in ② must attend court on:
 Date: _____ Time: _____ a.m. p.m.
 Department: _____ Room: _____
 to review (*list issues*): _____

6 **Hearing**

- a. The hearing was on (*date*): _____ with (*name of judicial officer*): _____
- b. These people attended the hearing (*check all that apply*):
- The person in ① The lawyer for the person in ① (*name*): _____
 - The person in ② The lawyer for the person in ② (*name*): _____

7 **Court's Decision**

In making this order, the court has considered whether failure to make any of the orders requested might risk the safety of the person in ① or any children listed on form DV-105. If child or spousal support was requested, the court has considered whether failure to make support orders would risk the safety of the person in ① or any children listed on form DV-105.

To the Person in ② :

The court has granted a long-term restraining order. See ⑦ through ⑳ . 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.

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 item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms;
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form [DV-800/JV-270](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.
- f. **Permission to Have Firearm or Ammunition for Work:** The judge has made the necessary findings to grant an exception under Family Code section 6389(h). The orders are included on form DV-850, *Permission to Have Firearm or Ammunition for Work*.

9 Restrained person has prohibited items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

This is a Court Order.



9 The court finds that you have the following prohibited items:

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____

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

10 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): _____
The court has not received a receipt or proof of compliance for all the items listed in 9.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation
(law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation
(prosecuting agency): _____

11 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in 5 to prove that you have properly turned in, sold, or stored all prohibited items (described in 8b) you still have or own, including any items listed in 9. If you do not attend the court hearing listed in 5, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

12 **No Body Armor**

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

This is a Court Order.



13 Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.

- If checked, this order was not granted because the court found good cause not to make this order.

14 Order to Not Abuse

You must not do the following things to the person in ① and any person listed in ③:

- Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.
- “Disturb the peace” 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, actions, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status. Coercive control includes 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.

15 No-Contact Order

- a. You must **not contact** the person in ①, the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b. Exception to 15a:
- (1) You may have brief and peaceful contact with the person in ① to only communicate about your children for court-ordered visits.
 - (2) You may have contact with your children only during court-ordered contact or visits.
 - (3) Other (*explain*): _____
- c. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.



16 **Stay-Away Order**

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

- Person in ①.
- Home of person in ①.
- Job or workplace of person in ①.
- Vehicle of person in ①.
- School of person in ①.
- Persons in ③.
- Children’s school or child care.
- Other (*specify*): _____

b. Exception to 16a:

The stay-away orders do not apply:

- (1) For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
- (2) For you to visit with your children for court-ordered contact or visits.
- (3) Other (*explain*): _____

17 **Order to Move Out**

You must move out immediately from (*address*):

18 **Other Orders**

19 **Child Custody and Visitation Order**

The judge has granted orders regarding minor children. The orders are included on **form DV-140**, and (*list other form*): _____

20 **Protect Animals**

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (<i>or other way to ID animal</i>)	Type of animal	Breed (<i>if known</i>)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This is a Court Order.



21 **Control of Property**

Only the person in ① can use, control, and possess the following property:

22 **Health and Other Insurance**

The person in ① in ② is ordered **not** to cash, borrow against, cancel, transfer, dispose of, or change the beneficiaries of any insurance or coverage held for the benefit of the parties, or their children, if any, for whom support may be ordered, or both.

23 **Record Communications**

The person in ① may record communications made by the person in ② that violate this order.

24 **Property Restraint**

The person in ① in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (If the court granted the order in ⑮, the person in ② must not contact the person in ①. To notify the person in ① of new or big expenses, have a server mail or personally give the information to the person in ① or contact their lawyer, if they have one.)

25 **Pay Debts (Bills) Owed for Property**

a. You must make these payments until this order ends:

(1) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
(2) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
(3) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

b. The court finds that the debt or debts listed above in a(1) a(2) a(3) were the result of abuse in this case, and made without the person in ①'s agreement.

This is a Court Order.



26 **Pay Expenses Caused by the Abuse**

You must pay the following:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

27 **Child Support**

Child support is ordered on the attached [form FL-342](#), *Child Support Information and Order Attachment* or (*list other form*): _____

28 **Spousal Support**

Spousal support is ordered on the attached [form FL-343](#), *Spousal, Domestic Partner, or Family Support Order Attachment* or (*list other form*): _____

29 **Lawyer's Fees and Costs**

You must pay the following lawyer's fees and costs:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

30 **Batterer Intervention Program**

- a. The person in **2** must go to and pay for a probation-certified 52-week batterer intervention program and show proof of completion to the court.
- b. The person in **2** must enroll by (*date*): _____ or if no date is listed, must enroll within 30 days after the order is made.
- c. The person in **2** must complete, file, and serve [form DV-805](#), *Proof of Enrollment for Batterer Intervention Program*.

31 **Transfer of Wireless Phone Account**

The court has made an order transferring one or more wireless service accounts from you to the person in **1**. These orders are contained on [form DV-900](#), *Order Transferring Wireless Phone Account*.

This is a Court Order.



32 Service (check a, b, or c)

- a. **No other proof of service is needed.** The people in ① and ② attended the hearing, either physically or remotely (by telephone or videoconference), or agreed in writing to this order.
- b. **The person in ② was not present.** Proof of service of form DV-109 and form DV-110 (if issued) was presented to the court. (Check all that apply):
- (1) This order can be served by mail. The judge's orders in this form are the same as in form DV-110 except for the expiration date. The person in ② must be served, either by mail or in person.
- (2) This order must be personally served. The judge's orders in this form are different from the orders in form DV-110, or form DV-110 was not issued. The person in ② must be personally served (given) a copy of this order.
- (3) The court has scheduled a firearms and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
- (a) Personal service by (date): _____
- (b) Mail at the person in ②'s last known address by (date): _____
- c. **Proof of service of form FL-300 to modify the orders in form DV-130 was presented to the court.**
- (1) The people in ① and ② attended the hearing or agreed in writing to this order. No other proof of service is needed.
- (2) The person in ① in ② did not attend the hearing and must be personally served (given) a copy of this amended (modified) order.

33 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this order for free. If you want the sheriff to serve your papers, (1) complete form [SER-001](#), *Request for Sheriff to Serve Court Papers*, and (2) give the completed form and a copy of this order to the sheriff.

34 Attached Pages

All of the attached pages are part of this order.

a. Number of pages attached to this 11-page form: _____

b. Attachments include forms (check all that apply):

DV-140 DV-145 DV-900 FL-341(C) FL-342 FL-343 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.



Certificate of Compliance With VAWA

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. section 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be 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, commonwealths, and possessions and must be enforced as if it were an order of that jurisdiction.**

Instructions for Law Enforcement

Start Date and End Date of Orders

This order starts on the earlier of the following dates:

- The hearing date in (6)a on page 2; or
- The date next to the judge’s signature on this page.

This order ends on the expiration date in (4). If no date is listed, they end three years from the hearing date.

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in (8)b, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form DV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer’s name and law enforcement agency.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Fam. Code, § 6383.)

Consider the restrained person “served” (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person attended the hearing (see (32)) or was informed of the order by an officer. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Fam. Code, § 6381(b)–(c).)

This is a Court Order.



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.

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).)

Child Custody and Visitation

Child custody and visitation orders are listed on form DV-140 or another attached form. If the judge made these orders, look at (15) and (16) of this order to see if the judge granted an exception for brief and peaceful contact with the person in (1) as needed to follow court-ordered visits. Contact by the person in (2) that is **not** brief and peaceful is a violation of this 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 **also** be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item (15) is an example of a no-contact order.
3. **Criminal Protective Order (CPO):** If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code section 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must **also** be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must **also** be enforced.

(The clerk will fill out this part.)

Instructions to Clerk: You must give up to three free (certified, stamped, and endorsed) copies of this order to the protected party.

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Restraining Order After Hearing (Order of Protection)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-850

Permission to Have Firearm or Ammunition for Work

Case Number: _____

This form is attached to (*check one*): DV-130 Other: _____

1 Court Findings

The court finds that the restrained person (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.

e. Is a sworn peace officer and:

- (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
- (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.

f. Is not a sworn peace officer and (*check 1 or 2*):

- (1) The court did not order the restrained person to complete a psychological evaluation.
- (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.

g. Other

This is a Court Order.



2 Court Ordera. The restrained person is (*check one*):(1) Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.(2) A sworn peace officer and (*check one*):(A) May have the items listed in 2b while on duty.(B) May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

 Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____ Ammunition (*description*): _____

Warning: The court orders listed above in ② only apply to this restraining order. If you are prohibited from having firearms or ammunition by another order or law, you may be in violation of state or federal law.

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council**

Use this form if someone has asked for a restraining order against you, and you want to respond in writing. If you have a lawyer in this case, the lawyer should fill out this form. There is no cost to file this form with the court. You will need a copy of the form JV-245, *Request for Juvenile Restraining Order*, that was filled out by the person who asked for a restraining order against you.

1 Name of Person Asking for Protection:

(See form JV-245, item 1 a):

2 Your Name:

! Address where you can receive court papers

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person’s address, if you have their permission and can get your mail regularly. If you have a lawyer, work with them to fill out this form and give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court may use this information to contact you. If you don’t want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer’s information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)



Your hearing date is listed on form JV-249, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing. If you do not attend your hearing, the judge could grant a restraining order that could last up to three years.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Fill in case number:

Case Number:

This is not a Court Order.



How to complete this form: To answer the questions below, look at the form JV-245 filled out by the person in ①. Tip: When the restraining order forms say “the person in ②,” that means you, and “the person in ①” means the person who is asking for a restraining order against you.

4 Information About You (see ② on form JV-245)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

5 Your Relationship to the Person in ①

In item ② of form JV-245, has the person in ① correctly described your relationship with them?

Yes No If no, what is your relationship with the person in ①?:

6 Other Protected People

If the judge grants a restraining order, it can protect more than one person. See item ④ on form JV-245 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

7 Order to Not Abuse (see ⑦ on form JV-245)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



8 **No-Contact Order** (see **8** on form JV-245)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

9 **Stay-Away Order** (see **9** on form JV-245)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

10 **Order to Move Out** (see **10** on form JV-245)

- a. I agree to the order requested.
- b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

11 **Visitation of Children** (see **11** on form JV-245)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

You can also complete form JV-205, *Visitation (Parenting Time) Order—Juvenile*, and attach it to this form.

12 **Protect Animals** (see **12** on form JV-245)

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



13 Firearms (Guns), Firearm Parts, or Ammunition (see 13 on form JV-245)

If you were served with form JV-250, *Temporary Restraining Order—Juvenile*, you must follow the orders in 5 on form JV-250. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received form JV-250. You may use [form DV-800/JV-270](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.

(Check all that apply):

- a. I do not own or have any prohibited items (firearms (guns), prohibited firearm parts, or ammunition).
- b. I have turned in all prohibited items that I have or control to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply):
 - is attached has already been filed with the court.

c. I ask for an exception to carry a firearm or ammunition for work. (Complete (1)-(3) below):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- Yes (explain): _____
- I don't know (explain): _____

(3) (Explain what your job is and why you need a firearm or ammunition): _____

Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self help website to be created], or see Family Code section 6389(h).

14 No Body Armor (see 14 on form JV-245)

If you were served with form JV-250, *Temporary Restraining Order—Juvenile*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply)

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

This is not a Court Order.



15 Cannot Look for Protected People (see 15 on form JV-245)

- a. I agree to the order.
- b. I do not agree to the order.

Explain why you disagree, or describe a different order that you would agree to:

16 **Additional Reasons I Do Not Agree With the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper and write "JV-247, Additional Reasons I Do Not Agree" at the top.

17 Additional Pages

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

18 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

19 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name

Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

Original Order Amended Order

DRAFT
Not approved by
the Judicial Council

① **Protected Person (name):** _____

② **Restrained Person**

***Full Name:** _____

***Gender:** M F Nonbinary

***Age:** _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

***Race:** _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

③ **Other Protected People**

In addition to the person in ①, the following persons are protected by orders as indicated in items ⑪ through ⑮.

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check here if you need to list more people. List them on a separate piece of paper, write “JV-255, Other Protected People” at the top, and attach it to this form.

④ **Expiration Date**

This restraining order, except the orders noted below,* ends on:
(date): _____ at (time): _____ a.m. p.m. or midnight

***Custody and visitation orders remain in effect after the restraining order ends. Custody and visitation orders usually end when the child is 18.**

- If no date is written, the restraining order ends three years after the date of the hearing in item ⑥ a.
- If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 6.

This is a Court Order.



5 Hearing

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
 - The person in ① The lawyer for the person in ① (name): _____
 - The person in ② The lawyer for the person in ② (name): _____

6 Future Court Hearing



- The person in ① The person in ② must attend court on:
- Date: _____ Time: _____ a.m. p.m.
- Department: _____ to review (list issues): _____
- _____
- Name and address of court if different than on page 1: _____
- _____

To the Person in ②

The court has granted a long-term restraining order. See ⑦ through ⑱. 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.

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 item listed below in b.
- b. Prohibited items are:
 - (1) Firearms;
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, stored, or sold. (You may use [form DV-800/JV-270](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must give a copy of the receipt to that law enforcement agency.
- f. **Permission to Have Firearm or Ammunition for Work:** The judge has made the necessary findings to grant an exception under Family Code section 6389(h). The orders are included on form JV-276, *Permission to Have Firearm or Ammunition for Work*.

This is a Court Order.



8 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and firearm parts

Description	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “JV-255, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): _____ The court has not received a receipt or proof of compliance for all the items listed in **8**.

b. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation.

(prosecuting agency): _____

10 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in **6** to prove that you have properly turned in, sold, or stored all prohibited items (described in **7**b) you still have or own, including any items listed in **8**. If you do not attend the court hearing listed in **6**, a judge may find that you have violated the restraining order and notify a prosecuting attorney of the violation.

This is a Court Order.



11 No Body Armor

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

12 Cannot Look for Protected People and Others

You must not take any action to look for any person protected by this order or a protected person's family members, caretakers, or guardians, including their addresses or locations.

If checked, this order was not granted because the court found good cause to not make this order.

13 Order to Not Abuse

You must not do the following things to the person in ① and any person listed in ③:

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeated contact), or disturb the peace.

(If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.)

- “Disturb the peace” 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, actions, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status. Coercive control includes 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.

14 No-Contact Order

a. You must **not contact** the person in ①, the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.

b. Exception to 14a:

(1) You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.

(2) You may contact or visit with your children only during court-ordered contact or visits.

(3) Other (*explain*): _____

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

This is a Court Order.



15 **Stay-Away Order**

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

- The person in ①.
- Home of person in ①.
- Job or workplace of person in ①.
- Vehicle of person in ①.
- School of person in ①.
- Persons in ③.
- Children’s school or childcare.
- Other (*specify*): _____

b. Exception to 15a:

The stay-away orders do not apply:

- (1) For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.
- (2) For you to contact or visit with your children for court-ordered contact or visits.
- (3) Other (*explain*): _____

16 **Order to Move Out**

You must move out immediately from (*address*): _____

17 **Visitation With Children**

The judge has ordered visitation with the children in this case.

a. The orders are:

b. The orders are in the attached form JV-205, *Visitation (Parenting Time) Order—Juvenile*.

c. The orders are in an attached document (*specify other form or document*): _____

18 **Protect Animals**

a. You must stay at least _____ yards away from the animals listed below.

b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals listed below.

c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (<i>or other way to ID animal</i>)	Type of animal	Breed (<i>if known</i>)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This is a Court Order.



19 Service

(Check a or b):

- a. **No other proof of service is needed.** The person in ② attended the hearing on (date): _____.
- b. **The person in ② did not attend the hearing.** Proof of service of form JV-249 and form JV-250 (if issued) was presented to the court. (Check all that apply):
 - (1) This order can be served by mail. The judge’s orders in this form are the same as the orders in form JV-250 except for the expiration date. The person in ② must be served (given) a copy of this order, either by mail or in person.
 - (2) This order must be personally served. The judge’s orders in this form are different from the orders in form JV-250, or form JV-250 was not issued. The person in ② must be personally served (given) a copy of this order.
 - (3) The court has scheduled a firearms and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
 - (a) Personal service by (date): _____
 - (b) Mail at the person in ②’s last known address by (date): _____

20 Enter Restraining Order Into Database

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.
If the court designates someone, provide the person’s name: _____

Date: _____

Judicial Officer

Certificate of Compliance With Violence Against Women Act

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be 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, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in item (5)a on page 2; or
- The date next to the judge's signature on page 6.

The orders *end* on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date in item (5)a on page 2.

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in (6), or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form JV-268 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Pen. Code, § 836(c)(1); Fam. Code, § 6383.)

Consider the restrained person "served" (notified) if:

- 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. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Fam. Code, § 6381(b), (c).)

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. (Penal Code sections 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

This is a Court Order.



Instructions for Law Enforcement

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 also be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item (14) 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, Pen. Code, §§ 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. **Civil Restraining Orders:** If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Juvenile 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
Not approved by
the Judicial Council**

Use this form if someone has asked for a restraining order against you, and you want to respond in writing. If you have a lawyer in this case, the lawyer should fill out this form. You will need a copy of form JV-258, *Request for Juvenile Restraining Order Against a Child*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

1 Name of Person Asking for Protection:

(See form JV-258, item 1):

2 Your Name:

! Address where you can receive court papers

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, work with your lawyer to fill out this form and give your lawyer's information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)



Your hearing date is listed on form JV-249, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, go to your hearing. If you do not attend your hearing, the judge could grant a restraining order that could last up to three years.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Fill in case number:

Case Number:

This is not a Court Order.



How to complete this form: To answer the questions below, look at the form JV-258 filled out by the person in ①. Tip: When the restraining order forms say “the person in ②” that means you, and the “person in ①” means the person who is asking for a restraining order against you.

4 Information About You (see ② on form JV-258)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

5 **Other Protected People**

If the judge grants a restraining order, it can include other people. See ④ on form JV-258 to see if the person in ① is asking for other people to be protected by the restraining order.

a. I agree to the order requested.

b. I do not agree to the order requested.

Explain why you disagree and/or describe a different order that you would agree to:

6 **Order to Not Abuse** (see ⑦ on form JV-258)

a. I agree to the order requested.

b. I do not agree to the order requested.

Explain why you disagree and/or describe a different order that you would agree to:

7 **No-Contact Order** (see ⑧ on form JV-258)

a. I agree to the order requested.

b. I do not agree to the order requested.

Explain why you disagree and/or describe a different order that you would agree to:

8 **Protect Animals** (see ⑨ on form JV-258)

a. I agree to the orders requested.

b. I do not agree to the orders requested.

Explain why you disagree and/or describe a different order that you would agree to:

This is not a Court Order.



9 Firearms (Guns), Firearm Parts, or Ammunition (see 6 on form JV-258)

If you were served with form JV-260, *Temporary Restraining Order Against a Child*, you must follow the orders in 6 on form JV-260. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received form JV-260. You may use [form DV-800/JV-270, Receipt for Firearms, Firearm Parts, and Ammunition](#).

Check all that apply:

- a. I do not own or have any prohibited items (guns, firearms, prohibited firearm parts, or ammunition).
- b. I have turned in all prohibited items that I have or control to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply):
 - is attached
 - has already been filed with the court.
- c. I ask for an exception to carry a firearm or ammunition for work. (Complete (1)-(3) below):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- Yes (explain): _____
- I don't know (explain): _____

(3) (Explain what your job is and why you need a firearm or ammunition): _____

Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self help website to be created], or see Family Code section 6389(h).

10 No Body Armor (see 11 on form JV-258)

If you were served with form JV-260, *Temporary Restraining Order Against a Child*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

This is not a Court Order.



11 Cannot Look for Protected People (see 12 on form JV-258)

a. I agree to the order.

b. I do not agree to the order.

Explain why you disagree and/or describe a different order that you would agree to:

12 **Additional Reasons I Do Not Agree With the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper, and write “JV-259, Additional Reasons I Do Not Agree” at the top.

13 Additional Pages

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

14 Your Signature

Date: _____

Type or print your name



Sign your name

15 Your Lawyer's Signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

Original Order Amended Order

DRAFT
Not approved by
the Judicial Council

1 Protected Person (name): _____

2 Restrained Person (Child or Youth)

*Full Name: _____

*Gender: M F Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in **1**: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

3 Other Protected People

In addition to the person in **1**, the following persons are protected by orders as indicated in items **12** through **14**.

Full name	Relationship to person in 1	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

Check here if you need to list more people. List them on a separate piece of paper, write "JV-265, Other Protected People" at the top, and attach it to this form.

4 Expiration Date

This restraining order, except the orders noted below,* end on:

(date): _____ at (time): _____ a.m. p.m. midnight.

*Custody and visitation orders remain in effect after the restraining order ends. Custody and visitation orders usually end when the child is 18.

- If no date is written, the restraining order ends three years after the date of the hearing in item **5** a.
- If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 6.

This is a Court Order.



5 Hearing

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____

6 Future Court Hearing



- The person in ① The person in ② must attend court on:

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

Department: _____ to review (list issues):

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

To the Person in ②

The court has granted a long-term restraining order. See ⑦ through ⑮. If you do not obey these orders, you can be charged with a crime, go to juvenile hall, jail, or prison, and be fined.

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 item listed below in b.
- b. Prohibited items are:
- (1) Firearms;
 - (2) Firearm parts, meaning, receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, stored, or sold. (You may use [form DV-800/JV-270](#) , *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must give a copy of the receipt to that law enforcement agency.
- f. **Permission to Have Firearm or Ammunition for Work:** The judge has made the necessary findings to grant an exception under Family Code section 6389(h). The orders are included on form JV-276, *Permission to Have Firearm or Ammunition for Work*.

This is a Court Order.



8 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here if you need more space to list items. List them on a separate piece of paper, write “JV-265, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): _____

The court has not received a receipt or proof of compliance for all the items listed in **8**.

b. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation

(prosecuting agency): _____

10 **Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in **6** to prove that you have properly turned in, sold, or stored all prohibited items (described in **7**b) you still have or own, including any items listed in **8**. If you do not attend the court hearing in **6**, a judge may find that you have violated the restraining order and notify a prosecuting attorney of the violation.

This is a Court Order.



11 No Body Armor

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

12 Cannot Look for Protected People and Others

You must not take any action to look for any person protected by this order or a protected person's family members, caretakers, or guardians, including their addresses or locations.

If checked, this order was not granted because the court found good cause to not make this order.

13 Order to Not Abuse

You must not threaten, stalk, or disturb the peace of the person in ① and any person listed in ③.

(If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.)

- “Disturb the peace” 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, actions, money, or access to services; and making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status. Coercive control includes 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.

14 No-Contact Order

a. You must **not contact** the person in ①, the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.

b. Exception to item 14a:

- (1) You may have brief and peaceful contact with the person in ① only to communicate about your children for court-ordered visits.
- (2) You may contact or visit with your children only during court-ordered contact or visits.
- (3) Other (explain): _____

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

This is a Court Order.



15 **Protect Animals**

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals listed below.
- c. The person in **(1)** is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

16 **Service**

(Check a or b):

- a. **No other proof of service is needed.** The person in **(2)** attended the hearing on (date): _____.
- b. **The person in **(2)** did not attend the hearing.** Proof of service of form JV-249 and form JV-260 (if issued) was presented to the court. (Check all that apply):
 - (1) This order can be served by mail. The judge’s orders in this form are the same as the orders in form JV-260 except for the expiration date. The person in **(2)** must be served (given) a copy of this order either by mail or in person.
 - (2) This order must be personally served. The judge’s orders in this form are different from the orders in form JV-260, or form JV-260 was not issued. The person in **(2)** must be personally served (given) a copy of this order.
 - (3) The court has scheduled a firearms and ammunition compliance hearing. The person in **(1)** must have a copy of this order served on the person in **(2)** by:
 - (a) Personal service by (date): _____
 - (b) Mail at the person in **(2)**’s last known address by (date): _____

17 **Enter Restraining Order Into Database**

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.
If the court designates someone, provide the person’s name: _____

Date: _____

Judicial Officer

This is a Court Order.



Certificate of Compliance With Violence Against Women Act

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be 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, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in (5)a on page 2; or
- The date next to the judge’s signature on page (5).

The orders *end* on the expiration date in item (4) on page 1. If no date is listed, they end three years from the hearing date in item (5)a on page 2.

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in (7), or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form JV-268 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer’s name and law enforcement agency.

Enforcing the Restraining Order in California

Any law enforcement officer in California who receives, sees, or verifies the orders on a paper copy, in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File must enforce the orders.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Pen. Code, § 836(c)(1); Fam. Code, § 6383.)

Consider the restrained person “served” (notified) if:

- 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. (Fam. Code, § 6383; Pen. Code, § 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Fam. Code, § 6381(b), (c).)

This is a Court Order.

JV-265, Page 6 of 7



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.

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 (14) 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.

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Juvenile Restraining Order Against a Child—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.

This form is attached to (check one): JV-255 JV-265 Other: _____

1 Court Findings

The court finds that the restrained person (name): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.
- e. Is a sworn peace officer and:
 - (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
 - (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.
- f. Is not a sworn peace officer and (check 1 or 2):
 - (1) The court did not order the restrained person to complete a psychological evaluation.
 - (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.
- g. Other

This is a Court Order.



2 Court Order

a. The restrained person is (*check one*):

(1) Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.

(2) A sworn peace officer and (*check one*):

(A) May have the items listed in 2b while on duty.

(B) May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

Ammunition (*description*): _____

Warning: The court orders listed above in ② only apply to this restraining order. If you are prohibited from having firearms or ammunition by another order or law, you may be in violation of state or federal law.

This is a Court Order.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:
Circulate for comment (January 1 cycle)

Title of proposal: Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899

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

Adopt forms CH-820, CH-830, CH-840, CH 850, EA-820, EA-830, EA-840, EA-850, GV-820, GV-830, GV-840, WV-820, WV 830, WV-840, and WV-850; and revise forms CH-109, CH-110, CH-116, CH-120, CH-120-INFO, CH-130, CH-200, CH 200 INFO, CH-800, CH-800-INFO, EA 100, EA-109, EA-110, EA-116, EA-120, EA-120 INFO, EA-130, EA-200-INFO, EA 716, EA-800, EA-800-INFO, GV-030, GV-110, GV-116, GV-130, WV-100, WV 109, WV-110, WV-116, WV-120, WV 120-INFO, WV-130, WV-200, WV 200-INFO, WV-800, WV-800-INFO

Committee or other entity submitting the proposal:
 Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Madison Orcutt, 916-643-8068, madison.orcutt@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): October 22, 2024

Project description from annual agenda: Develop rule and form recommendations as appropriate. SB 899 requires courts to inquire whether a person subject to a civil restraining order has complied with the firearm relinquishment requirement and order the clerk to notify law enforcement if a receipt is not filed within 48 hours of receiving the restraining order. Similar legislation for domestic violence restraining orders was enacted a few years ago SB 320 (Stats. 2021, ch. 685). The Family and Juvenile Law Advisory Committee adopted forms to implement the legislation. Similar forms are needed for the other protective types.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*
 N/A

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.)

Two other spring cycle proposals entitled (1) Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759 and (2) Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders address similar statutory changes affecting domestic violence restraining orders, juvenile restraining orders, and criminal protective orders.

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)
 This report or invitation to comment was:
 - reviewed by EGG on (date) 3/7/2025
 - approved by Office Director (or Designee) (name) Michael Giden on (date) 3/24/2025

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

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INVITATION TO COMMENT

SPR25-27

Title	Action Requested
Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt forms CH-820, CH-830, CH-840, CH-850, EA-820, EA-830, EA-840, EA-850, GV-820, GV-830, GV-840, WV-820, WV-830, WV-840, and WV-850; revise forms CH-109, CH-110, CH-116, CH-120, CH-120-INFO, CH-130, CH-200, CH-200-INFO, CH-800, CH-800-INFO, EA-100, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-130, EA-200-INFO, EA-716, EA-800, EA-800-INFO, GV-030, GV-110, GV-116, GV-130, WV-100, WV-109, WV-110, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-200-INFO, WV-800, and WV-800-INFO	January 1, 2026
	Contact
	Madison Orcutt, 916-643-8068 madison.orcutt@jud.ca.gov
	James Barolo, 415-865-8928 james.barolo@jud.ca.gov
Proposed by	
Civil and Small Claims Advisory Committee Hon. Donald J. Proietti, Chair	

Executive Summary and Origin

To implement Senate Bill 899 (Stats. 2024, ch. 544), which goes into effect on January 1, 2026, the Civil and Small Claims Advisory Committee proposes the adoption and revision of numerous restraining order forms, including forms for restraining orders based on civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, and workplace violence. However, one civil harassment restraining order form and all the postsecondary school violence restraining order forms are addressed in separate spring cycle proposals because they are

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.

impacted by legislation other than SB 899. The civil harassment restraining order petition (form CH-100) is included in a proposal entitled *Protective Orders: Civil Harassment Forms to Implement Senate Bill 554*. The postsecondary school violence restraining order forms are addressed in a proposal entitled *Protective Orders: Postsecondary School Violence Forms to Implement Assembly Bill 2096*. Comments regarding the implementation of SB 899 in the forms included in those proposals should be directed to this invitation to comment rather than to the other proposals.

Background

Senate Bill 320

In 2022, Senate Bill 320 (Stats. 2021, ch. 685) expanded the court's role in ensuring firearms relinquishment compliance in domestic violence and juvenile restraining order matters. To implement SB 320, the Family and Juvenile Law Advisory Committee proposed a number of changes to domestic violence and juvenile restraining order forms as well as the adoption of several new forms (forms DV-820, DV-830, DV-840/FL-840, JV-272, and JV-274), effective January 1, 2023.¹

SB 899's procedures and requirements for civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, and workplace violence restraining orders are similar, but not identical, to those in SB 320. Where possible, the forms attached to this proposal are modeled after the forms revised and adopted pursuant to SB 320, as consistency in protective orders across case type is beneficial to courts, litigants, and law enforcement.

Senate Bill 899

SB 899 creates several requirements and court procedures for civil restraining orders involving firearms and ammunition. As discussed below, some, but not all, of these requirements and procedures affect gun violence restraining orders.

Relinquishment of ammunition, work exemption, and notice to law enforcement and prosecuting attorney

Prior to SB 899, Code of Civil Procedure section 527.9 provided a process for a person subject to a civil harassment, elder or dependent adult abuse, postsecondary school violence, or workplace violence restraining order to relinquish firearms, including firearm parts,² in that person's immediate possession or control, including by filing with the court a receipt showing that the

¹ Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Rule and Form Changes to Implement New Laws* (Sept. 2, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11229751&GUID=A9339929-3ABD-4F35-BE6D-672A0C40FAD0>.

² Pen. Code, § 16520(b)(25).

firearms were surrendered or sold.³ SB 899 provides a process for those persons to relinquish ammunition.⁴

Moreover, SB 899 makes various changes regarding when the court may grant a person subject to a civil harassment, elder or dependent adult abuse, postsecondary school violence, or workplace violence restraining order permission to have a particular firearm or ammunition for work, including all of the following:

- The court may not grant such permission if the restrained person would otherwise be prohibited from having firearms and ammunition by state or federal law;
- The court must find that the restrained person does not pose a “threat of harm to a protected party or the public” by having access to the particular firearm or ammunition;
- If such permission is granted and the restrained person is not a peace officer, the firearm or ammunition may be possessed only during scheduled work hours; and
- The court may order a nonsworn peace officer to complete a psychological evaluation by a licensed mental health professional with domestic violence expertise.⁵

SB 899 additionally requires the court to report violations of a firearms prohibition in a restraining order to the prosecuting attorney within two business days of a court hearing, unless the restrained person shows that they have complied with the relinquishment procedure.⁶ SB 899 requires the court to immediately notify law enforcement if the restrained person does not file a receipt confirming relinquishment within 48 hours after receiving an order to relinquish a firearm in their possession.⁷ These new notification requirements apply to gun violence restraining orders in addition to civil harassment, elder or dependent adult abuse, postsecondary school violence, and workplace violence restraining orders.

Court findings and review hearing

SB 899 adds section 527.11 to the Code of Civil Procedure and section 18120.5 to the Penal Code. When relevant information is provided to the court at any noticed hearing that the restrained person has a firearm, these statutes require the court to determine whether the person

³ Code Civ. Proc., § 527.9(a)–(b).

⁴ For gun violence restraining orders, Penal Code section 18120 already provided for the relinquishment of ammunition prior to SB 899. Additionally, Penal Code section 18100 defines “ammunition” to include “a magazine” for purposes of chapter 1 (commencing with section 18100) of division 3.2 of title 2 of part 6 of the Penal Code. Therefore, for gun violence restraining orders, ammunition and magazines were required to be relinquished prior to SB 899.

⁵ Code Civ. Proc., § 527.9(f).

⁶ Code Civ. Proc., § 527.9(b); Pen. Code, § 18120(b)(6).

⁷ *Ibid.*

has a firearm in violation of an order.⁸ When presented with such information, the court has the option of setting a review hearing within 10 court days after the hearing at which the information was presented.⁹ Neither statute discusses ammunition. However, the Legislative Counsel’s Digest, final Assembly floor analysis for SB 899, and final Senate floor analysis for SB 899 all describe these statutory provisions as though they apply to ammunition.¹⁰

As a result, the types of items and devices required to be relinquished¹¹ are not coextensive with the types of items and devices subject to SB 899’s new court findings and review hearings.¹² For civil harassment, elder and dependent adult abuse, postsecondary school violence, and workplace violence restraining orders, the statutory provisions regarding relinquishment apply to firearms, firearm parts, and ammunition.¹³ However, the new statutory provisions regarding court findings and review hearings only apply to firearms.¹⁴

For gun violence restraining orders, the statutory provisions regarding relinquishment apply to firearms, firearm parts, ammunition, and magazines.¹⁵ However, the new statutory provisions regarding court findings and review hearings only apply to firearms, which would include firearm parts.¹⁶

⁸ Code Civ. Proc., § 527.11(a); Pen. Code., § 18120.5(a).

⁹ Code Civ. Proc., § 527.11(c); Pen. Code., § 18120.5(c).

¹⁰ Although not reflected in the statutory language itself, the Legislative Counsel’s Digest prepared for SB 899 mentions both firearms and ammunition: “Commencing January 1, 2026, this bill would also require the court, at a noticed hearing related to these orders, to consider information presented that the restrained person has possession or control of a firearm or ammunition. The bill would authorize the court, upon making this finding, to set a review hearing, as specified, to determine whether the person has possession or control of a firearm or ammunition in violation of the above provisions.” (Legis. Counsel’s Dig., Sen. Bill No. 899 (2023–2024 Reg. Sess.) The final Assembly and Senate floor analyses for SB 899 reflect a similar understanding. (Assem. Com. Rules, Analysis of Sen. Bill No. 899 (2023–2024 Reg. Sess.) as amended Aug. 22, 2024, p. 3; Sen. Com. on Rules, Analysis of Sen. Bill No. 899 (2023–2024 Reg. Sess.) as amended Aug. 22, 2024, p. 6.)

¹¹ Code Civ. Proc., § 527.9; Pen. Code, § 18120.

¹² Code Civ. Proc., § 527.11; Pen. Code, § 18120.5.

¹³ Code Civ. Proc., § 527.9 (mentioning the relinquishment of firearms and ammunition); Pen. Code, § 16520(b)(25) (defining “firearm” for purposes of section 527.9 to include firearm parts).

¹⁴ Code Civ. Proc., § 527.11 (noting that section 527.11 does not mention ammunition, and that Penal Code section 16520(b)(25)’s definition of “firearm” to include firearm parts does not apply to new section 527.11).

¹⁵ Pen. Code., §§ 16520(b)(10) (defining “firearm” for purposes of Penal Code sections 18100 to 18500, inclusive, to include firearm parts), 18100 (defining “ammunition” to include magazines for purposes of Penal Code sections 18100 to 18123, inclusive), & 18120 (mentioning the relinquishment of firearms and ammunition).

¹⁶ Pen. Code, §§ 16520(b)(10) (defining “firearm” for purposes of Penal Code sections 18100 to 18500, inclusive, to include firearm parts) & 18120.5 (mentioning firearms, but not ammunition).

Note that for gun violence restraining orders, the new statutory provisions involving court findings and review hearings do not mention ammunition, which means that they do not mention magazines either. (Pen. Code, §§ 18100 (defining “ammunition” to include magazines) & 18120.5 (mentioning firearms but not ammunition).)

Free service by peace officers and priorities for enforcement

Under existing law, there is no fee for service of process by the sheriff or marshal of civil harassment, postsecondary school violence, and workplace violence restraining orders depending on the underlying actions alleged¹⁷ or if there is a fee waiver.¹⁸ There is no fee for service of process by law enforcement of all elder or dependent adult abuse restraining orders.¹⁹

SB 899 adds section 527.12 to the Code of Civil Procedure. That provision requires peace officers, upon the request of a petitioner, to serve a temporary restraining order, order after hearing, or protective order related to civil harassment, elder or dependent adult abuse, postsecondary school violence, or workplace violence for free.²⁰ The definition of “peace officer” for these purposes is broad. It encompasses not only a sheriff or marshal, but anyone meeting the requirements of Penal Code section 830,²¹ which includes, among other persons, certain harbor police²² and employees of the Department of Fish and Game.²³

Section 527.12 outlines various procedures for peace officers to serve and enforce these orders, including, among other things, by requiring the officer to complete and transmit the proof of service to the issuing court.²⁴ Separately, section 527.12 contains language regarding priorities for enforcement where more than one restraining order has been issued.²⁵

The Proposal

This proposal is needed to implement recently enacted SB 899 and to make other changes.²⁶

Relinquishment of ammunition

The committee proposes revising numerous civil harassment, elder or dependent adult abuse, postsecondary school violence, and workplace violence restraining order forms to reflect SB 899’s requirement that restrained persons relinquish ammunition. The committee proposes,

¹⁷ Code Civ. Proc., §§ 527.6(z) (civil harassment), 527.8(y) (workplace violence), & 527.85(x) (postsecondary school violence).

¹⁸ Gov. Code, § 26720.5; Cal. Rules of Court, rule 3.55(5).

¹⁹ Welf. & Inst. Code, § 15657.03(s). Note, however, that the existing elder or dependent adult restraining order forms use “sheriff or marshal” rather than “law enforcement.”

²⁰ Code of Civil Procedure section 527.12 does not apply to gun violence restraining orders.

²¹ Code Civ. Proc., § 527.12(e).

²² Pen. Code, § 830.1(a).

²³ Pen. Code, § 830.2(e).

²⁴ Code Civ. Proc., § 527.12(b)(1).

²⁵ Code of Civ. Proc., § 527.12(d)(2).

²⁶ Two other spring cycle proposals entitled *Protective Orders: Changes to Domestic Violence and Juvenile Forms to Implement AB 2759* and *Criminal Law: Implementation of Recent Legislation Regarding Criminal Protective Orders* address similar statutory changes affecting domestic violence restraining orders, juvenile restraining orders, and criminal protective orders. These proposals can be viewed at <https://courts.ca.gov/policy-administration/invitations-comment>.

among other things, changing the name of forms CH-800, EA-800, SV-800, and WV-800 from *Receipt for Firearms and Firearm Parts* to *Receipt for Firearms, Firearm Parts, and Ammunition* and revising those forms to list ammunition among the items surrendered. The committee also proposes revising these forms to facilitate the sale of ammunition to licensed gun dealers.²⁷ Similarly, the committee proposes changing the name of forms CH-800-INFO, EA-800-INFO, SV-800-INFO, and WV-800-INFO from *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?* to *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?* The committee further proposes adding the word “ammunition” to the remaining forms in this proposal where necessary to reflect that ammunition must be relinquished.

Work exemption

The committee proposes revisions to the response forms (forms CH-120, EA-120, SV-120, and WV-120) to replace the existing work exemption language with a new set of questions that conform to SB 899’s requirements for an exemption to carry a firearm or ammunition for work.²⁸ The work exemption is likely to be requested in a relatively small number of all orders, and the requirements of Code of Civil Procedure section 527.9(f) regarding the work exemption are numerous. Therefore, the committee recommends directing respondents to both (1) a self-help website and (2) the relevant code section to obtain additional information regarding what respondents need to show the judicial officer to qualify for the work exemption.

The committee proposes revising the response form information sheets (forms CH-120-INFO, EA-120-INFO, SV-120-INFO, and WV-120-INFO) to provide additional information on the work exemption under the heading “What if I need a firearm or ammunition for my job?” The committee further proposes revising the exemption language on the order after hearing forms (forms CH-130, EA-130, SV-130, and WV-130) and creating a checkbox for the judicial officer to indicate that they have made the necessary findings to grant a work exemption.

Finally, the committee proposes adopting new forms entitled *Permission to Have Firearm or Ammunition for Work* (forms CH-850, EA-850, SV-850, and WV-850) that (1) list the findings required for the court to grant the respondent permission to have a firearm or ammunition for work, (2) contain the orders permitting possession of the specific firearm or ammunition, and (3)

²⁷ Code of Civil Procedure section 527.9(b) appears to contemplate selling a firearm and ammunition to a licensed gun dealer (“A person ordered to relinquish any firearm and ammunition pursuant to this subdivision shall file with the court a receipt showing the firearm and ammunition were surrendered to the local law enforcement agency or sold to a licensed gun dealer within 48 hours after receiving the order”). While the committee is aware that Penal Code section 29830 also authorizes the transfer of ammunition for storage to an ammunition vendor “whether or not specified in the court order,” those provisions predate SB 899 and the relinquishment receipt forms have not previously mentioned ammunition vendors. Moreover, Code of Civil Procedure section 527.9 does not mention ammunition vendors in the context of these relinquishment receipts.

²⁸ Although the definition of “firearm” here includes “firearm parts” pursuant to Penal Code section 16520(b)(25), the proposed CH-850, EA-850, SV-850, and WV-850 forms do not mention “firearm parts” because it appears unlikely that a person would be required to carry “a particular” firearm part for work pursuant to Code of Civil Procedure section 527.9(f).

warn the respondent that they may nevertheless be in violation of state or federal law if they are prohibited from having a firearm or ammunition by another order or law.

Notice to law enforcement and prosecuting attorney, court findings, and review hearing

To implement SB 320, the council adopted three new forms: forms DV-820, DV-830, and DV-840. The committee proposes adopting similar forms to implement SB 899.

In the domestic violence context, the relevant statutory language includes firearms, firearm parts, and ammunition across the court findings,²⁹ review hearings,³⁰ and relinquishment provisions.³¹ However, as discussed in the background section of this invitation to comment, the types of items and devices required to be relinquished pursuant to SB 899³² are not coextensive with the types of items and devices subject to the court findings and review hearings.³³

When developing the attached forms, the committee decided that the court findings and review hearings should cover the same devices and items that are subject to relinquishment. There is nothing in statutory law precluding the court from making findings regarding additional devices and items, or from holding a hearing regarding additional devices and items. The committee believes that making specific findings and holding compliance hearings regarding all of the devices and items subject to relinquishment promotes important public safety objectives.

The proposed forms CH-820, EA-820, GV-820, SV-820, and WV-820, *Prohibited Items Finding and Orders*, serve as an attachment to any order form in a restraining order action.³⁴ These forms contain items facilitating court findings, setting a review hearing, and providing notice to law enforcement and the prosecuting agency. Regarding the notice provided to the prosecuting agency, the proposed forms provide that the prosecuting agency will be “immediately notified” if the restrained person is noncompliant, even though the relevant statute provides that notice must be provided to the prosecuting attorney by the court “within two business days of the court hearing.”³⁵ The Civil and Small Claims Advisory committee proposes using the word “immediately” rather than the statutory language to make it clear to the restrained person that notice would happen quickly if they were found noncompliant.³⁶

²⁹ Fam. Code, § 6216 & 6322.5.

³⁰ *Ibid.*

³¹ Fam. Code, § 6216 & 6389.

³² Code Civ. Proc., § 527.9; Pen. Code, § 18120.

³³ Code Civ. Proc., § 527.11; Pen. Code, § 18120.5.

³⁴ These proposed forms contain a checkbox to attach them to the *Order on Request to Continue Hearing* (forms CH-116, EA-116, GV-116, SV-116, and WV-116).

³⁵ Code Civ. Proc., § 527.9(b); Pen. Code, § 18120(b)(6).

³⁶ Similarly, the proposed forms state that the court will “immediately notify” law enforcement because that is the term used in Code of Civil Procedure section 527.9(b) and Penal Code section 18120(b)(6).

The proposed forms CH-830, EA-830, GV-830, SV-830, and WV-830, *Noncompliance With Firearms and Ammunition Order* or *Noncompliance With Firearms, Ammunition, and Magazines Order*, are notice forms that would be completed by the court to alert law enforcement or the prosecuting agency of the court's orders regarding noncompliance, and serve as a coversheet for the restraining order that has been violated. As with form DV-830, the proposed forms would be confidential. Form DV-830 contains additional items to disclose outstanding warrants and information found during background searches pursuant to Family Code section 6306. Because no similar statutory language exists for civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, or workplace violence restraining orders, those items are excluded from the current proposal.

The proposed forms CH-840, EA-840, GV-840, SV-840, and WV-840, *Notice of Compliance Hearing for Firearms and Ammunition* or *Notice of Compliance Hearing for Firearms, Firearm Parts, Ammunition, and Magazines*, would be used when the issue of noncompliance arises after a long-term restraining order has been issued and the court elects to set the matter for a review hearing. For example, in the domestic violence context, if child custody is before the court and the protected person alleges that the restrained person possesses firearms, the court would need to issue a notice of court hearing if the restrained person was not present when the review hearing was set. However, the likelihood of noncompliance arising after a long-term restraining order has issued is less clear for civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, and workplace violence restraining orders. The committee therefore seeks specific comment as to whether forms CH-840, EA-840, GV-840, SV-840, and WV-840 are necessary.

In addition to adopting new forms, the committee proposes incorporating some or all of the items on forms CH-820, EA-820, GV-820, SV-820, and WV-820 into *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030), the temporary restraining order (forms CH-110, EA-110, GV-110, SV-110, and WV-110), and the order after hearing (forms CH-130, EA-130, GV-130, SV-130, and WV-130). At the order after hearing on EPO-002 and the temporary restraining order stage, the court may have sufficient information to make a finding regarding firearms or ammunition and may elect to set a review hearing. At the hearing on whether a long-term restraining order should issue, the court would likely have more information, including whether the restrained person has complied with a temporary order, if one was granted. Because more information will be available to the court at the time of granting the restraining order after hearing, the committee proposes incorporating all the findings and orders listed on forms CH-820, EA-820, GV-820, SV-820, and WV-820 into the order after hearing forms. The proposed revisions to the order after hearing forms would additionally include an item facilitating service of the order on the respondent for purposes of the compliance hearing. The Family and Juvenile Law Advisory Committee found it preferable to have all these items in one place on form DV-130 rather than using the attachment (form DV-820). The Civil and Small Claims Advisory Committee proposes maintaining consistency with that approach.

Free service of process by peace officers

To implement the provisions of SB 899 regarding service of process by a peace officer, the committee proposes adding a checkbox to the petition (forms CH-100, EA-100, SV-100, and WV-100) stating that “if the court issues an order, [the petitioner] ask[s] that a peace officer serve it for free.” The committee also proposes adding language to the temporary restraining order (forms CH-110, EA-110, SV-110, and WV-110) and order after hearing (forms CH-130, EA-130, SV-130, and WV-130) stating that a peace officer may also serve the order for free, including by cross-referencing the existing information sheets that discuss service of process (forms CH-200-INFO, EA-200-INFO, SV-200-INFO, and WV-200-INFO).

The committee proposes revising those information sheets to provide additional information regarding free service of process by a peace officer, including by pointing court users to a self-help website regarding the various pathways for free service. Where language already exists on the information sheets regarding the sheriff or marshal sending proof of service to the court and California Law Enforcement Telecommunication System (CLETS), the committee proposes adding information indicating that if a peace officer serves the papers, they will also send proof of service to the court and CLETS.³⁷

Priorities for enforcement

Across the existing temporary restraining order forms (forms CH-110, EA-110, SV-110, and WV-110) and the order after hearing forms (forms CH-130, EA-130, SV-130, and WV-130), an item entitled, “Conflicting Orders—Priorities for Enforcement” cross-references Family Code section 6383(h)(2), which is nearly identical to the new Code of Civil Procedure section 527.12(d)(2). Therefore, the committee proposes revising the “Conflicting Orders—Priorities for Enforcement” item for the temporary restraining order (forms CH-110, EA-110, SV-110, and WV-110) and order after hearing (forms CH-130, EA-130, SV-130, and WV-130) to cite to the new Code of Civil Procedure section 527.12(d)(2) alongside the existing references to Family Code section 6383(h)(2).

Miscellaneous changes to improve forms

In addition to the proposed form revisions to implement SB 899, the committee proposes revisions to improve several forms. When reviewing the existing items regarding free service, it came to the committee’s attention that the order to reschedule a hearing to renew an elder or dependent adult abuse restraining order (form EA-716) ties entitlement to free service to the underlying action alleged (unlawful violence, a credible threat of violence, or stalking), which is inconsistent with statute.³⁸ Therefore, the committee proposes revising the free service item on form EA-716 to reflect that the sheriff or marshal will serve this order for free, with no

³⁷ See Code Civ. Proc., § 527.12(b)(1).

³⁸ Welfare and Institutions Code section 15657.03(s) provides that “a petitioner shall not be required to pay a fee for law enforcement to serve an order issued” pursuant to Welfare and Institutions Code section 15657.03.

qualifiers. This change is consistent with the other elder or dependent adult abuse restraining order forms.

Additionally, Family Code section 6389(c)(3) requires the forms for protective orders adopted by the Judicial Council to “require the petitioner to describe the number, types, and locations of any firearms or ammunition presently known by the petitioner to be possessed or controlled by the respondent.” For gun violence restraining orders, Penal Code section 18107 also contains a similar requirement. Although the statutory language governing civil harassment, elder or dependent adult abuse, postsecondary school violence, and workplace violence restraining orders does not contain this statutory requirement, no statute exists that would prohibit courts from soliciting this information from petitioners. Therefore, the committee proposes asking the petitioner to describe the number, type, and location of these items, when known, on the petition (forms CH-100, EA-100, SV-100, and WV-100) to help the court identify these items at an early juncture. The committee also proposes making various revisions across the attached forms to replace gendered language with gender-neutral language and to make various technical or clarifying changes.³⁹

Finally, as noted in the executive summary of this invitation to comment, a separate proposal involving civil harassment restraining orders is currently circulating for comment and includes form revisions to implement SB 899, which are indicated using gray highlight in that proposal.⁴⁰ A second, separate proposal involving postsecondary school violence restraining orders is also currently circulating for comment.⁴¹ That proposal includes form revisions to implement SB 899, which are indicated in gray highlight, and proposes the adoption of four new forms relating to SB 899 (forms SV-820, SV-830, SV-840, and SV-850). Comments involving the implementation of SB 899 should be directed to this proposal rather than to those other proposals.

Alternatives Considered

The committee did not consider the alternative of taking no action because form revisions are needed to comply with SB 899. As discussed in the explanation of the proposal, the committee considered several alternatives when drafting the proposed forms and concluded that the current proposal best satisfies the statutory mandate. To the extent the proposed revisions were not required by the terms of SB 899, the committee considered taking no action but ultimately

³⁹ Among other clarifying corrections, for gun violence restraining orders the committee proposes revisions to items 4b and 4c of the order on request to continue hearing (form GV-116), which previously contained two checkboxes but only one sub-item. The committee also proposes revising form WV-109 to reflect that a restraining order could last up to three years and updating various URLs throughout the proposed forms.

⁴⁰ *Protective Orders: Civil Harassment Forms to Implement Senate Bill 554*, SPR25-29, available at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm>.

⁴¹ *Protective Orders: Postsecondary School Violence Forms to Implement Assembly Bill 2096*, SPR25-28, available at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm>.

determined the revisions were warranted in light of the benefits the revisions would provide to the courts and court users.

As discussed above, the existing forms contemplate free service of process by a sheriff or marshal. By contrast, SB 899 contemplates free service by a peace officer, which is defined to include a sheriff or marshal but is also much broader than that. The committee considered not revising any forms, including those in this proposal, to add language regarding free service by a peace officer given the likelihood of confusing court users.⁴² However, the committee ultimately determined that the best course of action was to propose implementing this new statutory language in a manner that reflects this broader definition.

Finally, the committee considered whether SB 899's language involving free service by a peace officer should be added to forms other than the temporary restraining order (forms CH-110, EA-110, SV-110, and WV-110), order after hearing (forms CH-110, EA-110, SV-110, and WV-110), and information sheet (forms CH-200-INFO, EA-200-INFO, SV-200-INFO, and WV-200-INFO).⁴³ Given the scope of orders contemplated by new Code of Civil Procedure section 527.12(a), the committee ultimately determined that only including this language on the temporary restraining order and order after hearing forms was the correct result.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly approved and revised forms. Courts will also incur costs to incorporate the revised forms into paper or electronic processes. The committee further anticipates potential operational impacts related to court findings and review hearings for additional prohibited items.

⁴² While the existing free service pathways included on the forms contemplate free service by the sheriff or marshal, SB 899's new free service pathways contemplate free service by peace officers on different facts. Moreover, the definition of a "peace officer" for these purposes would include, but would not be limited to, sheriffs and marshals pursuant to Code of Civil Procedure section 527.12(e).

⁴³ The existing forms that discuss free service of process include, among other forms, the petition (forms CH-100, EA-100, SV-100, and WV-100), temporary restraining order (forms CH-110, EA-110, SV-110, and WV-110), order on request to continue hearing (forms CH-116, EA-116, SV-116, and WV-116), order after hearing (forms CH-130, EA-130, SV-130, and WV-130), order to reschedule to renew (forms CH-716, EA-716, SV-716, and WV-716), and various information sheets.

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 committee has proposed adopting *Notice of Compliance Hearing for Firearms, Firearm Parts, and Ammunition* (forms CH-840, EA-840, SV-840, and WV-840) and *Notice of Compliance Hearing for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-840), but questions their utility in the context of civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, and workplace violence restraining orders. The forms proposed for adoption are similar to form DV-840 for domestic violence restraining orders. Are there any reasons why it would not be necessary to replicate form DV-840 for civil harassment, elder or dependent adult abuse, gun violence, postsecondary school violence, and workplace violence restraining orders (forms CH-840, EA-840, GV-840, SV-840, and WV-840)?
- There is a warning appearing on proposed forms CH-850, EA-850, SV-850, and WV-850 that reads, “Warning: The court orders listed above in (2) only apply to this restraining order. If you are prohibited from having a firearm or ammunition by another order or law, you may still be in violation of state or federal law.” Should this information exist as a stand-alone warning, or instead be part of the order itself? In other words, should the committee make this statement in item 2c on these forms, rather than in a separate box that appears below the order?

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 two 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 CH-109, CH-110, CH-116, CH-120, CH-120-INFO, CH-130, CH-200, CH-200-INFO, CH-800, CH-800-INFO, CH-820, CH-830, CH-840, CH-850, EA-100, EA-109, EA-110, EA-116, EA-120, EA-120-INFO, EA-130, EA-200-INFO, EA-716, EA-800, EA-800-INFO, EA-820, EA-830, EA-840, EA-850, GV-030, GV-110, GV-116,

GV-130, GV-820, GV-830, GV-840, WV-100, WV-109, WV-110, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-200-INFO, WV-800, WV-800-INFO, WV-820, WV-830, WV-840, and WV-850, at pages 14–189

2. Link A: Sen. Bill 899 (Stats. 2024, ch. 544),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB899
3. Link B: Sen. Bill 320 (Stats. 2021, ch. 685),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB320

DRAFT

Clerk stamps date here when form is filed.

DRAFT

01/22/2025

**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:

Name and address of court if different from above:

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

To the person in 2:

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

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 stated on Attachment 4b.

⑤ **Confidential Information Regarding Minor**

a. A request to keep minor’s information confidential was made (see form CH-160) 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-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor’s Information Confidential* (file-stamped) **IF GRANTED**
- f. Other (specify): _____

Date: _____

Judicial Officer



To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is “Proof of Personal Service”?*
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form CH-115-INFO, *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form CH-100, *Request for Civil Harassment Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form CH-100-INFO, *Can a Civil Harassment Restraining Order Help Me?*

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, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form CH-115-INFO, *How to Ask for a New Hearing Date*.



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 courts.ca.gov/rules-forms/find-your-court-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
01/31/2025
Not approved by
the Judicial Council

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

1 Protected Person

a. Your Full Name:
Your Lawyer (if you have one for this case):
Name: State Bar No.:
Firm Name:
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or 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) <input type="checkbox"/> The person in ①	(7) <input type="checkbox"/> The place of child care of the children of the person in ①
(2) <input type="checkbox"/> Each person in ③	(8) <input type="checkbox"/> The vehicle of the person in ①
(3) <input type="checkbox"/> The home of the person in ①	(9) <input type="checkbox"/> Other (<i>specify</i>):
(4) <input type="checkbox"/> The job or workplace of the person in ①	_____
(5) <input type="checkbox"/> The school of the person in ①	_____
(6) <input type="checkbox"/> The school of the children of the person in ①	_____

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

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.



- 7** b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. You must:
- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns), firearm parts, and ammunition 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 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “CH-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 **No Body Armor**

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

This is a Court Order.



10 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form CH-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in (7) b) you still have or own, including any items listed in (8). If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



Date: _____
Time: _____

Dept.: _____
Room: _____

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

11 **Other Orders**

- Not Requested** **Denied Until the Hearing** **Granted as Follows (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 **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.

A peace officer may also serve this Order without charge. See form CH-200-INFO for more information.

This is a Court Order.



14 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 firearms (guns), firearm parts, and ammunition that you have or control as stated in item 7 above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in 1.
- You must have form CH-120 served by mail on the person in 1 or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service 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 courts.ca.gov/rules-forms/find-your-court-forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

This is a Court Order.



Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the 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.



Conflicting Orders—Priorities for Enforcement

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

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

(Clerk 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.

DRAFT

01/22/2025

**Not approved by
the Judicial Council**

Complete items ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

_____ **The court will complete the rest of this form** _____

③ Next Court Date

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form [CH-110](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is no rescheduled because:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

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

④ Temporary Restraining Order

a. There is no *Temporary Restraining Order (TRO)* in this case until the next court date because:.

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because

b. A *Temporary Restraining Order (TRO)* is still in full force and effect because:

(1) The court extends the TRO previously granted on (date) _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form [CH-110](#)).

c. Other (specify): _____

Warning and Notice to the Restrained Party:

If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. [] There is good cause to reschedule the court date (check one):

(1) [] The protected party has not served the restrained party.

(2) [] Other: _____

b. [] This is the first time that the restrained party has asked for more time to prepare.

c. [] The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. [] Protected party

b. [] Restrained party

c. [] Court

(1) [] You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to.

(1) [] You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.

(1) [] Further notice is not required.

(2) [] You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item 6, by (date): _____

(2) [] You must have the protected party personally served with a copy of this order by (date): _____

(2) [] The court will mail a copy of this order to all parties by (date): _____

(3) [] You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) [] You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) [] Other: _____

(4) [] The court gives you permission to serve the restrained party as listed on the attached form CH-117.

(4) [] Other: _____

(5) [] Other: _____

This is a Court Order.



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

The sheriff or marshal will serve this order for free 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.

8 **Other Orders**

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

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to courts.ca.gov/rules-forms/find-your-court-forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* 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

2025-03-17

Not approved by the Judicial Council

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 their 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: _____

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 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 ⑫ on page 4.)
- c. I agree to the following orders (Specify below or in item ⑫ 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 ⑫ on page 4.)
- c. I agree to the following orders (specify below or in item ⑫ on page 4):

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.



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, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (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 firearms (guns), firearm parts, and ammunition 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 have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt

- (1) is attached.
- (2) has already been filed with the court.

- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).)



7 No Body Armor

If you were served with form CH-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

8 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 12 on page 4.)
- c. I agree to the following orders (specify below or in item 12 on page 4):

9 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item 12 on page 4.)
- c. I agree to the following orders (specify below or in item 12 on page 4):

10 Denial

I did not do anything described in item 7 of form CH-100. (Skip to 12.)



13 **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.*)

14 **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 14—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.

15 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

CH-120-INFO**How Can I Respond to a Request for Civil Harassment Restraining Orders?****What is a civil harassment restraining order?**

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

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

Who can ask for a civil harassment restraining order?

A person who is worried about safety because **they** have been or are 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 from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. Forms may also be 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

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):
Name and address of court if different from above: _____

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

To the person in (2):

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

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.)

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.

See 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 selfhelp.courts.ca.gov/request-interpreter.

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition 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.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).

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](#).

Clerk stamps date here when form is filed.

**DRAFT
2025-03-11
Not approved by
the Judicial Council**

Person in ① must complete 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. (7) The place of child care of the children of the person in ①.
 - (2) Each person in ③.
 - (3) The home of the person in ①. (8) The vehicle of the person in ①.
 - (4) The job or workplace of the person in ①. (9) Other *(specify)*: _____
 - (5) The school of the person in ①. _____
 - (6) The school of the children of the person in ①. _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form [CH-800](#)) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. **Permission to Have Firearm or Ammunition for Work:** The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form [CH-850](#), *Permission to Have Firearm or Ammunition for Work*.

9 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

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



10 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): _____
 The court has not received a receipt or proof of compliance for all the items listed in **9**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation:
 (law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation:
 (prosecuting agency): _____

11 **No Body Armor**

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

12 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **8** b) you still have or own, including any items listed in **9**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

13 **Lawyer's Fees and Costs**

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

lawyer's fees 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 **13**.

This is a Court Order.



14 **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.

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

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

To the Person in ①:

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

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

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

This is a Court Order.



17 Service of Order on Restrained Person

- a. The person in ② personally attended the hearing, either physically or remotely (by telephone or videoconference). 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.
 - (3) The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
 - (a) Personal service by (date): _____
 - (b) Mail at the last known address of the person in ② by (date): _____

18 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.

A peace officer may also serve this Order without charge. See form [CH-200-INFO](#) for more information.

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

Date: _____

Judicial Officer

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 firearms (guns), firearm parts, and ammunition that you have or control as stated in ⑧ above. The court will require you to prove that you did so.

This is a Court Order.



Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective 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 (see 17), the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature on page 4 and *ends* on the expiration date in 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 (see 17) 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 for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2;

Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

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

Clerk's Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

1 Person Seeking Protection

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

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



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

PROOF OF PERSONAL SERVICE

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

- a. CH-109, *Notice of Court Hearing*
- b. CH-110, *Temporary Restraining Order*
- c. CH-100, *Request for Civil Harassment Restraining Orders*
- d. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. CH-130, *Civil Harassment Restraining Order After Hearing*
- g. CH-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

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judge can grant a civil harassment restraining order (which can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party. In most cases, these forms must be served on the other party by personal service:

- Form [CH-109](#);
- Form [CH-100](#);
- Form [CH-110](#);
- Form [CH-120](#) (leave this form blank);
- Form [CH-120-INFO](#); and
- Form [CH-250](#) (leave this form blank).

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

Another peace officer may also serve the orders for free. See [selfhelp site to be created] for additional information regarding free service by a sheriff, marshal, or other peace officer.

A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18 years old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See form [CH-200](#) for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out form CH-200 completely and sign.
- 5 File form CH-200 with the court or give form CH-200 to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form CH-200. **The person you want restrained does not sign anything.**

File form CH-200 with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides form CH-200. Make sure a copy is filed with the court and that you get a copy.



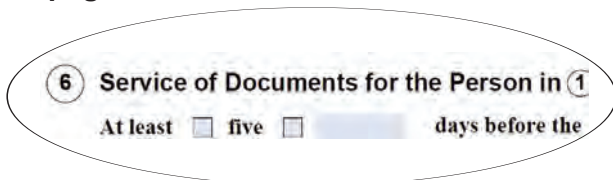
When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on form [CH-109](#). Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**



- **Step 2: Look at the court date listed under ⑥ on page 2.**



- **Step 3: Look at a calendar**

Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file form [CH-115](#) and form [CH-116](#). These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with form CH-115, form CH-116 **and** the original papers you filed. You should keep a copy of form CH-115, form CH-116, and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form [CH-115-INFO](#).

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the restrained person, and you can show the judge that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form [CH-205-INFO](#), *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?*, for more information.

DRAFT

2025-03-17

**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), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a 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 for 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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), which may also be called ghost guns; and
- Ammunition.

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, 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 to a licensed gun dealer. To do so, 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.

See selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders.

For help in your area, contact:

[Local information may be inserted.]

CH-820

Prohibited Items Finding and Orders

Case Number: _____

This form is attached to (check one): CH-110 CH-116 Other: _____

1 Restraint Person Has Prohibited Items

The court finds that the restrained person has prohibited items as follows:

- a. Listed on form CH-110, *Temporary Restraining Order*
- b. Listed below:

Firearms (guns) or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “CH-820, Restraint Person Has Prohibited Items” at the top, and attach it to this form.

2 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the court hearing listed below, a judge may find that the restrained person has violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order:



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

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that the restrained person has not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____

c. Notify Prosecutor

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

This is a Court Order.

CH-830

**Noncompliance With Firearms,
Firearm Parts, and Ammunition Order**

CONFIDENTIAL

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below, as required by the Code of Civil Procedure.

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

Name: _____

**③ Restrained Person Has Not Complied with
Surrendering Firearms (Guns), Firearm Parts, and
Ammunition**

The court has found that the person listed in ② has firearms (guns), firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply):

a. Notice to Law Enforcement Agency *(name of agency or agencies):*

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

b. Notice to Prosecuting Agency *(name of agency):* _____

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

④ Number of pages attached to this form, if any: _____

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms, Firearm Parts, and Ammunition Order* (form CH-830) was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

(3) Date of transmission or delivery: _____

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

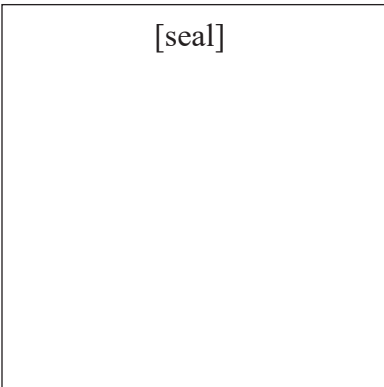
(3) Date of transmission or delivery: _____

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

(3) Date of transmission or delivery: _____



Date: _____

Clerk, by _____, Deputy

**Notice of Compliance Hearing for
Firearms, Firearm Parts, and
Ammunition**

Clerk stamps date here when form is filed.

**DRAFT
1/21/2025
Not approved by
the Judicial Council**

1 Protected Person

(name): _____

2 Restrained Person

(name): _____

3 Notice of Compliance Hearing

To the person in **2**:

The court has issued a civil harassment restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms (guns), firearm parts, or ammunition that you have or own, as required in the restraining order and listed below in **4**.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



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

Name and address of court, if different from the one listed above:

4 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 item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form [CH-800, Receipt for Firearms, Firearm Parts, and Ammunition.](#)) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

This is a Court Order.



5 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “CH-840, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. **Notify Law Enforcement**

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____.

c. **Notify Prosecutor**

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

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

- a. Personal service by (date): _____
- b. Mail, at the person in **2**'s last known address by (date): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

CH-850

**Permission to Have Firearm or
Ammunition for Work**

Case Number: _____

This form is attached to (*check one*): form CH-130 Other: _____

1 Court Findings

The court finds that the restrained person (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.

- e. Is a sworn peace officer and:
 - (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
 - (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.

- f. Is not a sworn peace officer and (*check 1 or 2*):
 - (1) The court did not order the restrained person to complete a psychological evaluation.
 - (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.

g. Other

This is a Court Order.



2 Court Order

a. The restrained person is (*check one*):

(1) Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.

(2) A sworn peace officer and (*check one*):

(a) May have the items listed in 2b while on duty.

(b) May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

Ammunition (*description*): _____

Warning: The court orders listed above in 2 only apply to this restraining order. If you are prohibited from having a firearm or ammunition by another order or law, you may still be in violation of state or federal law.

This is a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

2025-03-17

**Not approved by
the Judicial Council**

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 their 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.

This is not a Court Order.



15 Does the Respondent Have Firearms (Guns), Firearm Parts, or Ammunition?

Does the person in ② own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

- a. I don't know
- b. No
- c. Yes (If you have information, complete the section below.)

	<u>Describe Firearms (Guns), Firearm Parts, or Ammunition</u>	<u>Number or Amount</u>	<u>Location, if known</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

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 the respondent's immediate possession or control. If an order is granted, the person in ② will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

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.

This is not a Court Order.



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.

	<u>Money Owed To</u>	<u>For</u>	<u>Amount</u>
(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, or another peace officer, 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.

Clerk stamps date here when form is filed.

DRAFT

01/23/2025

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 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 email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

Hearing Date box with fields for Date, Time, Dept., Room, and Name and address of court if different from above.

To the person in 2:

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

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 stated 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-120-INFO](#), *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- e. 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”?*
- You may ask to reschedule the hearing if you are unable to find the person in **2** and need more time to serve the documents, or for other good reasons. Read form [EA-115-INFO](#), *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form [EA-100-INFO](#), *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*



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, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO, *How to Ask for a New Hearing Date*.

**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 courts.ca.gov/rules-forms/find-your-court-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
2025-03-11
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 checkboxes for Yes/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 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
- (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 person in ①
- (6) Other (*specify*):

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

⑦ Move-Out Order

Not Requested Denied Until the Hearing Granted as Follows:

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

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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns), firearm parts, and ammunition 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 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “EA-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

10 No Body Armor

If the order in (8) is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.



11 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form EA-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **8**) you still have or own, including any items listed in **9**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

12 **Financial Abuse**

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

13 **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.

14 **Other Orders**

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

Additional orders are attached at the end of this Order on Attachment **14**.

This is a Court Order.



To the Person in ① :

15 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 15.

16 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, the sheriff or marshal will do so for free. A peace officer may also serve this Order for free. See form [EA-200-INFO](#) for more information.

17 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

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 firearms (guns), firearm parts, and ammunition 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.

This is a Court Order.



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 courts.ca.gov/rules-forms/find-your-court-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.

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; Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must **also** be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders **includes** an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must **also** be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must **also** be enforced.

(Clerk 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

01/23/2025

Not approved by the Judicial Council

Complete items ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

_____ **The court will complete the rest of the this form** _____

③ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form [EA-110](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New Court Date → Date: _____ Time: _____
Dept.: _____ Room: _____

④ **Temporary Restraining Order**

a. **There is no *Temporary Restraining Order* (TRO) in this case until the next court date** because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because: _____

b. **A *Temporary Restraining Order* (TRO) is still in full force and effect** because:

(1) The court extends the TRO previously granted on (date) _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form EA-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:
If ④b is checked, an elder or dependent abuse restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The protected party has not served the restrained party.

(2) Other: _____

b. This is the first time that the restrained party has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

(1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [EA-109](#), item **5**, by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

b. **Restrained party**

(1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the protected party personally served with a copy of this order by (date): _____

(3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

c. **Court**

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by (date): _____

(3) Other: _____

This is a Court Order.



7 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

8 Other Orders

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

Date: _____

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order)* (CLETS-TEA or TEF) (form EA-116) 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

2025-03-17

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 **15** on page 4.)
- c. I agree to the following orders (specify below or in item **15** 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 **15** on page 4.)
- c. I agree to the following orders (specify below or in item **15** 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 ⑮ on page 4.*)
- c. I agree to the following orders (*specify below or in item ⑮ 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 ⑮ on page 4.*)
- c. I agree to the following orders (*specify below or in item ⑮ 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, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (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 firearms (guns), firearm parts, and ammunition 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 have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt
- (1) is attached.
- (2) has already been filed with the court.
- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):
- (1) Are you a sworn peace officer?
- No
- Yes



8 c. (2) Are there any orders or laws that prohibit you from having firearms or ammunition?

No

I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).)

9 **No Body Armor**

If you were served with form EA-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(*Check all that apply*):

a. I do not own or have any body armor.

b. I have relinquished all body armor that I have in my possession.

c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (*Attach a copy of the letter granting permission, if you have one.*)

10 **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 15 on page 4.*)

c. I agree to the following findings (*specify below or in item 15 on page 4*):



11 **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 15 on page 4.)*
- c. I agree to the following orders *(specify below or in item 15 on page 4):*

12 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 15 on page 4.)*
- c. I agree to the following orders *(specify below or in item 15 on page 4):*

13 **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 15.)*

14 **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 14–Justification or Excuse" as a title. You may use form MC-025, Attachment.



15 **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 15—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

16 **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 16—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.

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

How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

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

Do I 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 selfhelp.courts.ca.gov/request-interpreter.

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](#).



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.

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.

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 firearm (gun), firearm part, or ammunition?

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, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition 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.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, unless the order is to prevent financial abuse only, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [self-help website to be created](#) or see Code of Civil Procedure section 527.9(f).

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.

Information about the process is also available online.

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

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

**DRAFT
2025-03-11
Not approved by
the Judicial Council**

Person in ① must complete 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 **(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 **(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 **(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 **(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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

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

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



10 e. **Permission to Have Firearm or Ammunition for Work:** The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form [EA-850, *Permission to Have Firearm or Ammunition for Work*](#).

11 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

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

12 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **11**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation (prosecuting agency): _____

13 **No Body Armor**

If the order in **10** is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.



14 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in (10) b) you still have or own, including any items listed in (11). If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

15 **Financial Abuse**

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

16 **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.

17 **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).

<u>Money Owed To:</u>	<u>For:</u>	<u>Amount:</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Additional debts are attached at the end of this Order on Attachment 17.

18 **Lawyer's Fees and Costs**

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

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

Additional amounts are attached at the end of this Order on Attachment 18.

This is a Court Order.



19 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment **19**.

To the Person in 1 :

20 **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 **20**.

21 **Service of Order on Restrained Person**

- a. The person in **2** personally attended the hearing, either physically or remotely (by telephone or videoconference). 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**.
 - (3) The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The person in **1** must have a copy of this order served on the person in **2** by:
 - (a) Personal service by (*date*): _____
 - (b) Mail at the last known address of the person in **2** by (*date*): _____

This is a Court Order.



22 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, they will do so for free. A peace officer may also serve this Order for free. See form EA-200-INFO for more information.

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

Date: _____

Judicial Officer

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 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 firearms (guns), firearm parts, or ammunition that you have or control as stated in 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, and the restrained person was not present at the court hearing (see 21), 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 6. The order ends on the expiration date in 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 at the restraining order hearing (see 21) 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, the agency must advise the restrained person of the terms of the order and then enforce it.

This is a Court Order.



Instructions for Law Enforcement

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; Fam. Code §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

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

Clerk's Certificate
[seal]

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

I certify that this *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

What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The following types of restraining order forms must be served “in person”: *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), the *Notice of Court Hearing* (form EA-109), *Temporary Restraining Order* (form EA-110), *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300), and *Notice of Court Hearing to Allow Contact* (form EA-309). That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

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

The sheriff or marshal may be authorized to serve the court’s orders **for free**. Another peace officer may also serve the orders for free. See [selfhelp site to be created] for additional information regarding free service by a sheriff, marshal, or other peace officer.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the internet. (If a law enforcement agency or the process server uses a different proof of service form, make sure it lists the forms served.)

How to serve

Ask the server to:

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

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

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



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form EA-109, *Notice of Court Hearing* or form EA-309, *Notice of Court Hearing to Allow Contact* :

First, look at the hearing date on form EA-109 (item ③ on page 1) or form EA-309 (item ⑤ on page 2).

Next, look at the number of days in item ⑤ on page 2 of form EA-109 or in item ⑥ on page 2 of form EA-309.

Look at a calendar. Subtract the number of days in item ⑤ on form EA-109 or the number of days in item ⑥ on form EA-309 from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date. If nothing is checked or written in ⑤ on form EA-109 or ⑥ on form EA-309, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

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

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

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

- Make several copies.
- File the original with the court before your hearing.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Ask the clerk to enter the *Proof of Service* (unless for form EA-300) into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (form EA-110) and *Proof of Personal Service* (form EA-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Always keep an extra copy of the restraining orders with you for your safety.
- **Note: Restraining orders to allow contact (which use the EA-300 form series) are not entered into CLETS.**

If the sheriff or another peace officer serves the papers, they will send proof of service to the court and CLETS for you.

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

Before your hearing, fill out and file form [EA-115](#), *Request to Continue Court Hearing* (or form [EA-315](#), if you are trying to serve forms EA-300 or EA-309). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of form EA-116, *Order on Request to Continue Hearing*, (or form EA-316) to a copy of your original orders. Ask the clerk to enter form EA-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Order to Reschedule Hearing to Renew Restraining Order

Clerk stamps date here when form is filed.

**DRAFT
2025-01-30
Not approved by
the Judicial Council**

(Complete ① and ② only. The court will complete the rest of this form.)

① **Protected Party:** _____

② **Restrained Party:** _____

③ **Next Court Date**

a. **Denied:** The request to reschedule the court date is denied.

Your court date is: _____

(1) The *Elder or Dependent Adult Abuse Restraining Order After Hearing* (EA-130) granted in this case stays in full force and effect until your court date.

(2) Your court date is not rescheduled because:

b. **Granted:** The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. The current restraining order stays in effect until the hearing date below or the original expiration date, whichever is later. See ④–⑦ for more information.

Name and address of court, if different from above:

New Court Date → Date: _____ Time: _____
Dept.: _____ Room: _____

Warning and Notice to the Restrained Party:
You must obey the restraining order while it is in effect.

This is a Court Order.



4 Reason Court Date Is Rescheduled

a. The protected party has not served the restrained party.

b. Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Protected party**

b. **Restrained party**

c. **Court**

(1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(1) You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.

(1) Further notice is not required.

(2) You must have the restrained party personally served with a copy of all the forms listed on form EA-710, item 4, by (date): _____

(2) You must have the protected party personally served with a copy of this order by (date): _____

(2) The court will mail a copy of this order to all parties by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) Other: _____

(4) Other: _____

(4) Other: _____

This is a Court Order.



6 No Fee to Serve

The sheriff or marshal will serve this order for free. Bring a copy of all the papers that need to be served to the sheriff or marshal.

7 Other Orders

Four horizontal lines for entering other orders.

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to courts.ca.gov/rules-forms/find-your-court-forms for Disability Accommodation Request (form MC-410). (Civ. Code, § 54.8.)

Instructions to Clerk

If the court rescheduled the court date, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

I certify that this Order to Reschedule Hearing to Renew Restraining Order (form EA-716) is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

DRAFT
2025-03-17
Not approved by the Judicial Council

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: _____

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), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a 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			Serial Number, if there is one	Sold	Stored	To be destroyed
Make	Model					
(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				Sold	Stored	To be destroyed
Brand	Type	Amount				
(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 for 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.

How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?

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; and
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), which may also be called ghost guns; and
- Ammunition.

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, 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 to a licensed gun dealer. To do so, 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.

See selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders.

For help in your area, contact:

[Local information may be inserted.]

EA-820

Prohibited Items Finding and Orders

Case Number: _____

This form is attached to (check one): EA-110 EA-116 Other: _____

1 Restraint Person Has Prohibited Items

The court finds that the restrained person has prohibited items as follows:

- a. Listed on form EA-110, *Temporary Restraining Order*
- b. Listed below:

Firearms and/or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “EA-820, Restraint Person Has Prohibited Items” at the top, and attach it to this form.

2 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the court hearing listed below, a judge may find that the restrained person has violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order:



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

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that the restrained person has not fully complied with (obeyed) the orders previously granted on *(date)*: _____. The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____

c. Notify Prosecutor

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

This is a Court Order.

EA-830

**Noncompliance With Firearms,
Firearm Parts, and Ammunition Order**

CONFIDENTIAL

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below, as required by the Code of Civil Procedure.

1 Protected Person

Name: _____

2 Restrained Person

Name: _____

**3 Restrained Person Has Not Complied with
Surrendering Firearms (Guns), Firearm Parts, and
Ammunition**

The court has found that the person listed in **2** has firearms (guns), firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply):

a. Notice to Law Enforcement Agency *(name of agency or agencies):*

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

b. Notice to Prosecuting Agency *(name of agency):* _____

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms, Firearm Parts, and Ammunition Order* (form EA-830), was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

Clerk's Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

**Notice of Compliance Hearing for
Firearms, Firearm Parts, and
Ammunition**

Clerk stamps date here when form is filed.

**DRAFT
1/23/2025
Not approved by
the Judicial Council**

1 Protected Person

(name): _____

2 Restrained Person

(name): _____

**3 Notice of Compliance Hearing
To the person in 2:**

The court has issued an elder or dependent adult abuse restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms (guns), firearm parts, or ammunition that you have or own, as required in the restraining order and listed below in 4.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



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

Name and address of court, if different from the one listed above:

4 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 item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form [EA-800, Receipt for Firearms, Firearm Parts, and Ammunition.](#)) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

This is a Court Order.



5 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “EA-840, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. **Notify Law Enforcement**

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____.

c. **Notify Prosecutor**

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

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

- a. Personal service by (date): _____
- b. Mail, at the person in **2**'s last known address by (date): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

EA-850

Permission to Have Firearm or Ammunition for Work

Case Number: _____

This form is attached to (*check one*): form EA-130 Other: _____

1 Court Findings

The court finds that the restrained person (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.

e. Is a sworn peace officer and:

- (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
- (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.

f. Is not a sworn peace officer and (*check 1 or 2*):

- (1) The court did not order the restrained person to complete a psychological evaluation.
- (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.

g. Other

This is a Court Order.



2 Court Order

a. The restrained person is (*check one*):

(1) Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.

(2) A sworn peace officer and (*check one*):

(a) May have the items listed in 2b while on duty.

(b) May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

Ammunition (*description*): _____

Warning: The court orders listed above in 2 only apply to this restraining order. If you are prohibited from having a firearm or ammunition by another order or law, you may still be in violation of state or federal law.

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

01/27/2025

**Not approved by
the Judicial Council**

The court will complete this form.

1 Requesting Agency or Officer

(A petition may be filed in the name of the law enforcement agency in which the officer is employed.)

Law enforcement agency or officer that applied for the Gun Violence Emergency Protective Order:

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Restrained Person

Full Name: _____

Lawyer (if there is one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Description of Restrained Person

Gender: M F Nonbinary Height: _____ Weight: _____ Date of Birth: _____

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

Home Address: _____

City: _____ State: _____ Zip: _____

3 Expiration Date

This order expires at:

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

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

4 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 attended the hearing:

(1) The officer or representative of the Requesting Agency _____

(2) The restrained person Lawyer for the restrained person (name): _____

This is a Court Order.



- 6 c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item 4 is in effect.
- d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**
- e. **Order dissolving (terminating) *Gun Violence Emergency Protective Order*.**
 The court dissolves (terminates) the *Gun Violence Emergency Protective Order* (form EPO-002) originally issued on (date): _____ as of (date of hearing): _____.

7 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “GV-030, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

This is a Court Order.



8 **Court Hearing to Review Firearms (Guns), Firearm Parts, Ammunition, and Magazine Compliance**

In addition to the hearing listed on form GV-009, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **6** b) you still have or own, including any items listed in **7**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

9 **No Body Armor**

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

10 **Service of Order on the Restrained Person**

- a. The Restrained Person was present in court at the time the order was issued. No other proof of service is needed. The clerk has provided the Restrained Person with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form [GV-600](#)), if a restraining order was granted.
- b. The Restrained Person was not present in court at the time the order was issued. The Restrained Person must be personally served with a court file-stamped copy of this order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form [GV-600](#)), if a restraining order was granted.

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

Date: _____

Judicial Officer

This is a Court Order.



Warnings and Notices to the Restrained Person

To the restrained person: This order will last until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the order.

Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 6b, above, for a period of up to five years. This Order must be enforced by any law enforcement officer in the state of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any of those items that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition, and Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Restrained Person claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

This is a Court Order.



Instructions for Law Enforcement

(Continued)

Enforcing This Order

The law enforcement officer should determine if the Restrained Person had notice of the order. Consider the Restrained Person “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file;
- The Restrained Person was informed of the order by an officer; or
- Item 7a is checked, indicating the Restrained Person was present in court at the time the order was issued.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Gun Violence Restraining Order After Hearing on EPO-002* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Gun Violence Restraining Order After Hearing on EPO-002 (CLETS-HGV)* (form GV-030) 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
2025-01-27
Not approved by
the Judicial Council

Petitioner must complete items ① and ② only.

① Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

I am:

- A family member of the respondent
- An officer of a law enforcement agency
- An employer of the respondent
- A coworker of the respondent
- An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months
- A roommate of the respondent.
- A person who has a dating relationship with the respondent.
- A person who has a child in common with the respondent.

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

Name: _____ State Bar No.: _____
Firm Name: _____

c. 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. Law enforcement officer, give agency 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 Respondent

(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: _____

The court will complete the rest of this form.

③ 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.



6 No Firearms (Guns), Firearm Parts, Ammunition, and Magazines

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531);
 - (3) Ammunition; and
 - (4) Magazines (ammunition feeding devices).
- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over your prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item ③ is in effect.
- d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form [GV-800](#)) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

7 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms, firearm parts, and/or magazines

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “GV-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

This is a Court Order.



8 **Court Hearing to Review Firearms (Guns), Firearm Parts, Ammunition, and Magazine Compliance**

In addition to the hearing listed on form GV-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **6**) you still have or own, including any items listed in **7**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

9 **No Body Armor**

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

10 Number of pages attached to this Order. if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

To the restrained person: This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazines while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for a period between one and five years. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

This is a Court Order.



Warnings and Notices to the Respondent

(Continued)

Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 6b, above, for a period of five years. This Order must be enforced by any law enforcement officer in the state of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.

After You Have Been Served With a Temporary Order

- Obey the order by turning in all firearms (guns), firearm parts, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read *How Can I Respond to a Petition for Gun Violence Restraining Order?* (form [GV-120-INFO](#)) to learn how to respond to this Order.
- If you do not oppose the petition, fill out *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form [GV-125](#)) and file it with the court clerk.
- If you disagree with the petition, fill out *Response to Petition for Gun Violence Restraining Order* (form [GV-120](#)) and file it with the court clerk.
- You must have form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign *Proof of Service by Mail* (form [GV-250](#)). 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 *Declaration* (form [MC-030](#)) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/rules-forms/find-your-court-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 attend the hearing. You and your witnesses may attend the hearing remotely (check with your court for instructions).
- At the hearing, the judge can make a gun violence restraining order against you that lasts between one to five years. Tell the judge why you disagree with the order requested.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the restrained person must do the following:

- Ask if the restrained person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any that they have not already turned in.
- Order the restrained person to immediately surrender to you all prohibited items.
- Issue a receipt to the restrained person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form [GV-200](#) for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

This is a Court Order.



Instructions for Law Enforcement

(Continued)

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition, or Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the prohibited items to the respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the respondent had notice of the order. Consider the respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The respondent was informed of the order by an officer; or
- The officer sees a filed copy of form GV-125.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Temporary Gun Violence Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other another existing protective order remain in effect.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Temporary Gun Violence Restraining Order (CLETS-TGV)* (form GV-110) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT
3/3/2025
Not approved by
the Judicial Council

Complete items ① and ② only.

① **Petitioner:** _____

② **Respondent:** _____

_____ **The court will complete the rest of this form** _____

③ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

- (1) Any *Temporary Gun Violence Restraining Order* (form [GV-110](#)) or *Gun Violence Emergency Protective Order* (form [EPO-002](#)) already granted stays in full force and effect until the next court date.
- (2) Your court date is not rescheduled because: _____

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above: _____

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

④ **Temporary Gun Violence Restraining Order or Gun Violence Emergency Protective Order**

a. **There is no *Temporary Gun Violence Restraining Order* (TRO) in this case** because:

- (1) A TRO was not previously granted by the court.
- (2) The court terminates (cancels) the previously granted TRO because: _____

b. **A *Temporary Gun Violence Restraining Order* (form [GV-110](#)) is still in full force and effect** because:

The court extends the order previously granted on (date): _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

c. **A *Gun Violence Emergency Protective Order* (form [EPO-002](#)) is still in full force and effect.**

The court extends the order previously granted on (date): _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

d. Other (specify): _____

Warning and Notice to the Restrained Party:
If ④ b or c is checked, a gun violence restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The protected party has not served the restrained party.

(2) Other _____

b. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner/Requesting Agency**

(1) You do not have to serve the respondent/restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [GV-109](#), item **5**, by *(date)*: _____

(3) You must serve the respondent/restrained party with a copy of this order. This can be done by mail. You must serve by *(date)*: _____

(4) Other _____

b. **Respondent/Restrained Party**

(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the petitioner personally served with a copy of this order by *(date)*: _____

(3) You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by *(date)*: _____

(4) Other _____

c. **Court**

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by *(date)*: _____

(3) Other _____

This is a Court Order.

7 No Fee to Serve

The sheriff or marshal will serve this order for **free**.
Bring a copy of all the papers that need to be served to the sheriff or marshal.

8 Remote Appearances

You may attend your hearing listed in item **3** remotely, such as by phone or videoconference. For more information, go to the court’s website for the county listed above. To find the court’s website, go to courts.ca.gov/find-my-court.

9 Other Orders

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

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to courts.ca.gov/rules-forms/find-your-court-forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (EPO-002 or Temporary Restraining Order) (CLETS-EGV or CLETS-TGV)* (form GV-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Gun Violence Restraining Order
After Hearing or Consent to
Gun Violence Restraining Order**

Clerk stamps date here when form is filed.

**DRAFT
2025-02-11
Not approved by
the Judicial Council**

Petitioner must complete items ① and ② only.

① Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

I am:

- A family member of the respondent.
- An officer of a law enforcement agency (*A petition may be filed in the name of the law enforcement agency in which the officer is employed.*)
- An employer of the respondent.
- A coworker of the respondent.
- An employee or teacher of a secondary or postsecondary school that the respondent has attended in the last 6 months.
- A roommate of the respondent.
- A person who has a dating relationship with the respondent.
- A person who has a child in common with the respondent.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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

Name: _____ State Bar No.: _____

Firm Name: _____

c. 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. Law enforcement officer, give agency information.*)

Address: _____

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

Email Address: _____ Fax: _____

② Respondent

(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: _____

The court will complete the rest of this form.

③ Expiration Date

This Order expires at:

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

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

This is a Court Order.



4 Hearing

- a. There was a hearing (*date*): _____ at (*time*): _____ in Dept.: _____ Room: _____.
(*Name of judicial officer*): _____ made the orders at the hearing.
- b. These people attended the hearing.
 - (1) The petitioner (3) The lawyer for the petitioner (*name*): _____
 - (2) The respondent (4) The lawyer for the respondent (*name*): _____
- c. There was not a hearing because the respondent filed a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

5 Findings

- a. The court finds by clear and convincing evidence that the following are true:
 - (1) Respondent poses a significant danger of causing personal injury to themselves or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts, ammunition, or magazines. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
 - (2) A gun violence restraining order is necessary to prevent personal injury to the respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- b. The court has received credible information that the respondent owns or possesses one or more firearms, firearm parts, ammunition, or one or more magazines.
- c. The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order. Any reasons stated below apply as well.

See the attached *Attachment* (form MC-025).

This is a Court Order.



- 5 d. The respondent filed *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court finds that the respondent agreed not to have in the respondent’s custody or control, own, purchase, possess, or receive a firearm, firearm part, ammunition, or magazine or attempt to purchase or receive those items until: (*expiration date*) _____.

6 **No Fee to Serve**

If the sheriff or marshal serves this order, service will be free.

7 **No Firearms (Guns), Firearm Parts, Ammunition, and Magazines**

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531);
 - (3) Ammunition; and
 - (4) Magazines (ammunition feeding devices).
- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over your prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order is in effect.
- d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form [GV-800](#)) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. **FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

8 **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (<i>date</i>): _____
(2) _____	_____	<input type="checkbox"/> (<i>date</i>): _____
(3) _____	_____	<input type="checkbox"/> (<i>date</i>): _____
(4) _____	_____	<input type="checkbox"/> (<i>date</i>): _____

This is a Court Order.



8 b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

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

9 Restrained Person Has Not Complied with Surrendering Prohibited Items

a. The court finds that you have not fully complied with the orders previously granted on (date): _____
The court has not received a receipt or proof of compliance for all the items listed in (8).

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation (prosecuting agency): _____

10 No Body Armor

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

11 Court Hearing to Review Firearms (Guns), Firearm Parts, Ammunition, and Magazine Compliance

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in (7) b) you still have or own, including any items listed in (8). If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

This is a Court Order.



12 Service of Order on Respondent

- a. The respondent was present in court, either physically or remotely (by telephone or videoconference), at the time the order was issued. No other proof of service is needed. The clerk has provided the respondent with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600).
- b. The respondent was not present in court at the time the order was issued. The respondent must be personally served with a court file-stamped copy of this Order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form [GV-600](#)) by a law enforcement officer or someone age 18 or older, **and not a party to the action.**
- c. This is an order based on the respondent’s filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The court will provide notice to all parties.
- d. The respondent was not present in court at the time the order was issued, and the court has scheduled a firearms (guns), firearm parts, ammunition, and magazine compliance hearing. The petitioner must have a copy of this order served on the respondent by:
 - Personal service by (date): _____
 - Mail at the respondent's last known address by (date): _____

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

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

To the restrained person: This Order is valid until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the order.

Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 7b, above, for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.

This is a Court Order.



Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the restrained person must do the following:

- Ask if the restrained person is in possession of any of the prohibited items listed in item 7b, above, or has custody or control of any that they have not already turned in.
- Order the restrained person to immediately surrender to you all prohibited items.
- Issue a receipt to the restrained person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. The officer may use form [GV-200](#) for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition and Magazines

The law enforcement agency that has received surrendered prohibited items listed in item 7b, above, must do the following:

- Retain the prohibited items until the expiration of this order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the respondent had notice of the order. Consider the respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The respondent was informed of the order by an officer.
- Item [12a](#) or [12c](#) is checked.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (*see above: Duties of Officer Serving This Order*).

The provisions in this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other existing protective order remain in effect.

This is a Court Order.



Instructions to Clerk

This order must be served on all parties by the court, if it is made following the filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order (CLETS-OGV)* (form GV-130) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

GV-820

Prohibited Items Finding and Orders

Case Number: _____

This form is attached to (check one): GV-110 GV-116 Other: _____

1 Restrained Person Has Prohibited Items

The court finds that the restrained person has prohibited items as follows:

- a. Listed on form GV-110, *Temporary Restraining Order*
- b. Listed below:

Firearms (guns), firearm parts, or magazines

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “GV-820, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

2 Court Hearing to Review Firearms (Guns), Firearm Parts, Ammunition and Magazine Compliance

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the court hearing listed below, a judge may find that the restrained person has violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order:



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

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that the restrained person has not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*):

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation:

(*prosecuting agency*): _____

This is a Court Order.

GV-830

Noncompliance With Firearms, Firearm Parts, Ammunition, and Magazines Order

CONFIDENTIAL

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below, as required by the Penal Code.

1 Petitioner/Requesting Agency

Name: _____

2 Restrained Person

Name: _____

3 Restrained Person Has Not Complied with Surrendering Firearms (Guns), Firearm Parts, Ammunition, and Magazines

The court has found that the person listed in 2 has firearms (guns), firearm parts, ammunition, or magazines in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply):

a. Notice to Law Enforcement Agency *(name of agency or agencies):* _____

(Notice is provided pursuant to Penal Code section 18120(b)(6).)

b. Notice to Law Enforcement Agency *(name of agency):* _____

(Notice is provided pursuant to Penal Code section 18120(b)(6).)

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms, Firearm Parts, Ammunition, and Magazines Order* (form GV-830) was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

(3) Date of transmission or delivery: _____

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

(3) Date of transmission or delivery: _____

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) (Phone number, email address, or address):

(3) Date of transmission or delivery: _____

Clerk's Certificate

[Seal]

Date: _____

Clerk, by _____, Deputy

**Notice of Compliance Hearing for
Firearms, Firearm Parts, Ammunition,
and Magazines**

Clerk stamps date here when form is filed.

**DRAFT
2025-01-27
Not approved by
the Judicial Council**

1 Petitioner/Requesting Agency

(name): _____

2 Restrained Person

(name): _____

3 Notice of Compliance Hearing

To the person in 2 :


The court has issued a gun violence restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms (guns), firearm parts, ammunition, or magazines that you have or own, as required in the restraining order and listed below in 4 .

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

	Date: _____	Dept.: _____	Name and address of court, if different from the one listed above: _____ _____ _____
	Time: _____	Room: _____	

4 No Firearms (Guns), Firearm Parts, Ammunition, and Magazines

- a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531);
 - (3) Ammunition; and
 - (4) Magazines (ammunition feeding devices).
- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over your prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order is in effect.



5 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “GV-840, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____

c. Notify Prosecutor

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

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

- a. Personal service by (date): _____
- b. Mail, at the person in **2**'s last known address by (date): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

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
01/30/2025
Not approved by
the Judicial Council

1 Petitioner (Employer or Collective Bargaining Representative)

a. Name: _____

is a Employer

Collective Bargaining Representative

Specify union: _____

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: _____

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 Who Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

Gender: M F Nonbinary Age: _____

Workplace Address: _____

City: _____ State: _____ Zip: _____

This employee declines to be named in any restraining order issued as a result of this petition.

Additional employees suffered harassment, violence, or a threat of violence. Those employees, and whether they decline to be named in any restraining order issued as a result of this petition, are listed in Attachment 2.

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Protected Persons Not Listed in 2

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes No (If yes, list them):

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

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 (<i>specify</i>): _____	_____	_____	_____

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.
 - (3) Engaged in a course of conduct that seriously alarmed, annoyed, or harassed the employee and caused the employee substantial emotional distress. (*A course of conduct is more than one act.*)
- 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 email, by text message, by fax, or by other electronic means.
- e. Enter the person's workplace.
- f. Other (*specify*):
 As stated in Attachment 9f.

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

10 **Stay-Away Orders**

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

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

This is not a Court Order.



- 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 **Does the Respondent Have Firearms (Guns), Firearm Parts, or Ammunition?**

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

- a. I don't know
- b. No
- c. Yes (If you have information, complete the section below.)

	<u>Describe Firearms (Guns), Firearm Parts, or Ammunition</u>	<u>Number or Amount</u>	<u>Location, if known</u>
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

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 respondent 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 their immediate possession or control. If an order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

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 or her?

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

Reasons are stated in Attachment 12.

This is not a Court Order.



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.

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**

a. I ask the court to order the sheriff or marshal to serve the respondent with the **orders** for free because this request for orders is based on a credible threat of violence or stalking.

b. **If the court issues an order, I ask that a peace officer serve it for free.**

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: _____

This is not a Court Order.



Case Number: _____

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

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

**Not approved by
the Judicial Council**

1 Petitioner (Employer or Collective Bargaining Representative)

a. Name: _____

Lawyer for Petitioner *(if any for this case)*:

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

The court will complete the rest of this form.

4 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the respondent:

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> Hearing Date </div>	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

To the person in 3:

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



5 Temporary Restraining Orders (Any orders granted are on form 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 harassment, 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. 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.
- You may ask to reschedule the hearing if you are unable to find the respondent and need more time to serve the documents, or for other good reasons. Read form [WV-115-INFO](#), *How to Ask for a New Hearing Date*.
- For information about service, read form [WV-200-INFO](#), *What Is “Proof of Personal Service”?*
- You must attend the hearing if you want the judge to make any of the orders you requested on form WV-100, *Petition for Workplace Violence Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form WV-100-INFO, *How Do I Get an Order to Prohibit Workplace Violence?*

To the Respondent:

- If you want to respond to the request for orders in writing, file form [WV-120](#), *Response to Petition 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, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form [WV-115-INFO](#), *How to Ask for a New Hearing Date*.



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 courts.ca.gov/rules-forms/find-your-court-forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

Clerk’s Certificate
[seal]

—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.

Date: _____ Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

DRAFT
2025-03-19
Not approved by
the Judicial Council

1 Petitioner (Employer or Collective Bargaining Representative)

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

2 Protected Person or Persons

Full Name: _____
Full Name: _____
Full Name: _____
Full Name: _____

Court fills in case number when form is filed.

Case Number:

Additional protected persons are listed at the end of this Order on Attachment 2.

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 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.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You are ordered **not** to do the following things to the protected person or persons listed in **(2)**
- (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 5a(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.

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) Each protected person listed in **(2)** (3) Other (*specify*): _____
 - (2) For each protected person listed in **(2)** _____
 - (a) The person’s workplace
 - (b) The person’s home
 - (c) The person’s school
 - (d) The person’s children’s school
 - (e) The person’s children’s place of childcare
 - (f) The person’s vehicle
- 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.



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.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. You must:
 - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your 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 firearms (guns), firearm parts, and ammunition 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.

8 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “WV-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 No Body Armor

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

This is a Court Order.



10 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form WV-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **7** b) you still have or own, including any items listed in **8**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

11 **Other Orders**

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

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

To the Petitioner:

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

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

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the 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 **12**.

This is a Court Order.



13 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.

A peace officer may also serve this Order without charge. See form [WV-200-INFO](#) for more information.

14 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 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 firearms (guns), firearm parts, and ammunition 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 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 courts.ca.gov/rules-forms/find-your-court-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 ④ on page 1.

If a Protected Person Contacts the Restrained Person

Even if a 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 a protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2;

Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must **also** be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders **includes** an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must **also** be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must **also** be enforced.

(Clerk 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.

Complete items ① and ② only.

① **Petitioner (Employer or Collective Bargaining Representative)**

② **Respondent:** _____

_____ **The court will complete the rest of this form** _____

**DRAFT
1/16/2025
Not approved by
the Judicial Council**

③ **Next Court Date**

Fill in court name and street address:

Superior Court of California, County of

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form [WV-110](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

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

④ **Temporary Restraining Order**

a. **There is no *Temporary Restraining Order* (TRO) in this case until the next court date** because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because:

b. **A *Temporary Restraining Order* (TRO) is still in full force and effect.**

(1) The court extends the TRO previously granted on (date) _____
It now expires on (date): _____
(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form WV-110).

c. Other (specify): _____

Warning and Notice to the respondent:

If ④b is checked, a temporary restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The petitioner has not served the respondent.

(2) Other: _____

b. This is the first time that the respondent has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner**

b. **Respondent**

c. **Court**

(1) You do not have to serve the respondent because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the respondent personally served with a copy of all the forms listed on form [WV-109](#), item **6**, by (date): _____

(3) You must serve the respondent with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the petitioner personally served with a copy of this order by (date): _____

(3) You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by (date): _____

(4) Other: _____

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by (date): _____

(3) Other: _____

This is a Court Order.



7 **No Fee to Serve (Notify) Respondent** **Ordered** **Not Ordered**

The sheriff or marshal will serve this order for free 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.

8 **Other Orders**

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

Date: _____

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TWH)* (form WV-116) 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

2025-03-17

**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 or Collective Bargaining Representative)

Name: _____

2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence

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: _____

Email 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 12 on page 4.*)
- c. I agree to the following orders (*specify below or in item 12 on page 4*):

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 12 on page 4.*)
- c. I agree to the following orders (*specify below or in item 12 on page 4*):



6 **Protected Persons Not Listed in 2**

- 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, or ammunition. This includes firearms receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 7 of form WV-110.) You must sell or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition 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 form WV-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 have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt

- (1) is attached.
- (2) has already been filed with the court.

- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).)



8 No Body Armor

If you were served with form WV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

9 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item 12 on page 4.)
- c. I agree to the following orders (specify below or in item 12 on page 4):

10 Denial

I did not do anything described in item 8 of form WV-100. (Skip to 12.)



Case Number:

11 **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 11—Justification or Excuse" as a title. You may use form MC-025, Attachment.

12 **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 12—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



13 **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.*)

14 **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 14—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.

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

Date: _____

Lawyer's name (if any)

▶

Lawyer's signature

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

Date: _____

Type or print your name

▶

Sign your name

How Can I Respond to a Petition for Workplace Violence Restraining Orders?

What is a workplace violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

Who can ask for a workplace violence restraining order?

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

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

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

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

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

What if I don't obey the order?

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

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

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

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

Should I go to the court hearing?

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



How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

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

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

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

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition 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.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).

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*.

Clerk stamps date here when form is filed.

DRAFT
2025-03-19
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 or Collective Bargaining Representative)**

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 Protected Person or Persons

Full Name: _____

Full Name: _____

Full Name: _____

Full Name: _____

 Additional protected persons are listed at the end of this Order on Attachment 2.**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 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.

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 petitioner *(name)*: _____
 - (2) The lawyer for the petitioner *(name)*: _____
 - (3) The respondent (4) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 5b.
- 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.

6 Personal Conduct Orders

- a. You are ordered **not** to do the following things to the protected person or persons listed in ②
 - (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 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.

This is a Court Order.



7 Stay-Away Orders

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

- (1) Each protected person listed in **(2)** (3) Other (specify): _____
- (2) For each protected person listed in **(2)** _____
- (a) The person’s workplace _____
- (b) The person’s home _____
- (c) The person’s school _____
- (d) The person’s children’s school _____
- (e) The person’s children’s place of child care _____
- (f) The person’s vehicle _____

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

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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

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

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

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

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

9 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

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

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

This is a Court Order.



9 b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

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

10 Restrained Person Has Not Complied With Surrendering Prohibited Items

a. The court finds that you have not fully complied with the orders previously granted on (date): _____
The court has not received a receipt or proof of compliance for all the items listed in **9**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation
(law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation
(prosecuting agency): _____

11 No Body Armor

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

12 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in **8** b) you still have or own, including any items listed in **9**. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

This is a Court Order.



13 **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 **13**.

14 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment **14**.

To the Person in 1:

15 **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 **15**.

16 **Service of Order on Respondent**

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

This is a Court Order.



- 16** 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.
- (3) The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The petitioner must have a copy of this order served on the respondent by:
- (a) Personal service by (date): _____
- (b) Mail at respondent's last known address by (date): _____

17 **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.

A peace officer may also serve this Order without charge. See form [WV-200-INFO](#) for more information.

18 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 **(8)**e 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 **(8)**b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in **(8)** above. The court will require you to prove that you did so.

This is a Court Order.



Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see 16), 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 5 and *ends* on the expiration date in 4 on page 1.

If a Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting a protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2;

Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must **also** be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders **includes** an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must **also** be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must **also** be enforced.

This is a Court Order.



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
2024-12-24
Not approved by
the Judicial Council**

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Suffered Harassment, Violence, or Threat of Violence

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

WV-200-INFO What Is “Proof of Personal Service”?

What is “Service”?

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

Service lets the other person know:

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

Why do I have to get the orders served?

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

Who can serve?

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

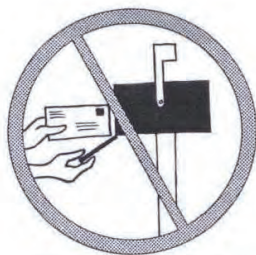
The server must:

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

The sheriff or marshal may be authorized to serve the court’s orders for free if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence. Another peace officer may also serve the orders for free. See [selfhelp site to be created] for additional information regarding free service by a sheriff, marshal, or other peace officer.

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

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



Don’t serve it by mail!

How to serve

Ask the server to:

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

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

- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.



When do the orders have to be served?

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

First, look at the hearing date on page 1 of form WV-109.

④ Notice of Hearing

Hearing Date

Date: _____

Dept.: _____

Next, look at the number of days in item ⑥ on page 2 of form WV-109.

⑥ Service of Documents By the Person in ①

At least five _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑥ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑥, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

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

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

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

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

If the sheriff or another peace officer serves the papers, they will send proof of service to the court and CLETS for you.

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

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

Clerk stamps date here when form is filed.

DRAFT

2025-03-17

**Not approved by
the Judicial Council**

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 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:

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a 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 WV-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.

8 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 for 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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), which may also be called ghost guns; and
- Ammunition.

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 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 to a licensed gun dealer. To do so, 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.

See selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders.

For help in your area, contact:

[Local information may be inserted.]

WV-820

Prohibited Items Finding and Orders

Case Number: _____

This form is attached to (check one): WV-110 WV-116 Other: _____

1 Restraint Person Has Prohibited Items

The court finds that the restrained person has prohibited items as follows:

- a. Listed on form WV-110, *Temporary Restraining Order*
- b. Listed below:

Firearms (guns) or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “WV-820, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

2 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the court hearing listed below, a judge may find that the restrained person has violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order



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

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that the restrained person has not fully complied with (obeyed) the orders previously granted on *(date)*: _____. The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*):

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation (*prosecuting agency*):

This is a Court Order.

WV-830

**Noncompliance With Firearms,
Firearm Parts, and Ammunition
Order**

CONFIDENTIAL

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below, as required by the Code of Civil Procedure.

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 or Collective Bargaining Representative)

Name: _____

2 Restrained Person

Name: _____

3 Restrained Person Has Not Complied with Surrendering Firearms (Guns), Firearm Parts, and Ammunition

The court has found that the person listed in **2** has firearms (guns), firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply):

a. Notice to Law Enforcement Agency *(name of agency or agencies):* _____

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

b. Notice to Prosecuting Agency *(name of agency):* _____

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

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

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms, Firearm Parts, and Ammunition Order* (form WV-830) was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

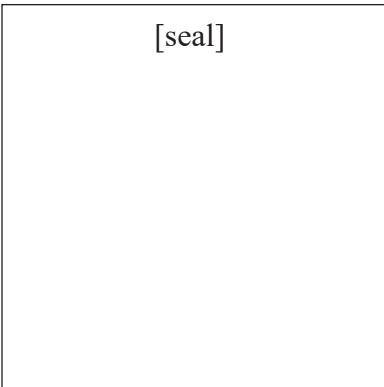
(3) Date of transmission or delivery: _____

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____



Date: _____

Clerk, by _____, Deputy

**Notice of Compliance Hearing for
Firearms, Firearm Parts, and
Ammunition**

Clerk stamps date here when form is filed.

**DRAFT
1/21/2025
Not approved by
the Judicial Council**

1 Petitioner (Employer or Collective Bargaining Representative)

(name): _____

2 Restrained Person

(name): _____

**3 Notice of Compliance Hearing
To the person in 2:**

The court has issued a workplace violence restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms (guns), firearm parts, or ammunition that you have or own, as required in the restraining order and listed below in 4.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



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

Name and address of court, if different from the one listed above:

4 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 item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form [WV-800](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

This is a Court Order.



5 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “WV-840, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. **Notify Law Enforcement**

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____.

c. **Notify Prosecutor**

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

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

- a. Personal service by (date): _____
- b. Mail, at the person in **2** ’s last known address by (date): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

WV-850

**Permission to Have Firearm or
Ammunition for Work**

Case Number: _____

This form is attached to (*check one*): form WV-130 Other: _____

1 Court Findings

The court finds that the restrained person (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.

- e. Is a sworn peace officer and:
 - (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
 - (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.

- f. Is not a sworn peace officer and (*check 1 or 2*):
 - (1) The court did not order the restrained person to complete a psychological evaluation.
 - (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.

g. Other

This is a Court Order.



2 Court Order

a. The restrained person is (*check one*):

(1) Not a sworn peace officer and may have the items listed in ②b only during scheduled work hours.

(2) A sworn peace officer and (*check one*):

(a) May have the items listed in ②b while on duty.

(b) May have the items listed in ②b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

Ammunition (*description*): _____

Warning: The court orders listed above in ② only apply to this restraining order. If you are prohibited from having a firearm or ammunition by another order or law, you may still be in violation of state or federal law.

This is a Court Order.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:
Circulate for comment (January 1 cycle)

Title of proposal: Protective Orders: Postsecondary School Violence Forms to Implement Assembly Bill 2096

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

Adopt forms SV-820, SV-830, SV-840, and SV-850; revise forms SV-100, SV-100-INFO, SV-109, SV-110, SV-115, SV-115-INFO, SV-116, SV-120, SV-120-INFO, SV-130, SV-200, SV-200-INFO, SV-250, SV-260, SV-600, SV-610, SV-620, SV-630, SV-700, SV-710, SV-715, SV-716, SV-720, SV-730, SV-800, and SV-800-INFO

Committee or other entity submitting the proposal:

Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Madison Orcutt, 916-643-8068, madison.orcutt@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): October 22, 2024

Project description from annual agenda: Develop form recommendations as appropriate. AB 2096 expands the definition of postsecondary educational institutions in school violence restraining orders to include public institutions, broadens the criteria for seeking restraining orders to include any form of unlawful violence, and removes the condition that the violent conduct must occur off-campus or be construed to occur on campus. The current forms should be revised to reflect the expanded definition and criteria for school violence restraining orders.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

N/A

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.)

For some of these forms, the only proposed revision is to delete out "private" from "private postsecondary school violence." The deletion of existing form language is not able to be shown using highlight. Therefore, for some of the revised forms, the only highlighted change is the revision date in the footer. Additionally, the attached forms contain proposed revisions to implement Senate Bill 899 (Stats. 2024, ch. 544), as well as the proposed adoption of four new forms to implement that law. A separate proposal entitled Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 explains that new law and proposes form revisions and the adoption of new forms for other categories of protective orders.

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was:

reviewed by EGG on (date) 3/4/2025

approved by Office Director (or Designee) (name) Michael Giden
on (date) 3/24/2025

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-28

Title	Action Requested
Protective Orders: Postsecondary School Violence Forms to Implement Assembly Bill 2096	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt forms SV-820, SV-830, SV-840, and SV-850; revise forms SV-100, SV-100-INFO, SV-109, SV-110, SV-115, SV-115-INFO, SV-116, SV-120, SV-120-INFO, SV-130, SV-200, SV-200-INFO, SV-250, SV-260, SV-600, SV-610, SV-620, SV-630, SV-700, SV-710, SV-715, SV-716, SV-720, SV-730, SV-800, and SV-800-INFO	January 1, 2026
	Contact
	Madison Orcutt, 916-643-8068 madison.orcutt@jud.ca.gov
	James Barolo, 415-865-8928 james.barolo@jud.ca.gov
Proposed by	
Civil and Small Claims Advisory Committee Hon. Donald J. Proietti, Chair	

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes the revision of all 26 forms in the private postsecondary school violence form set to implement Assembly Bill 2096 (Stats. 2024, ch. 947), which goes into effect on January 1, 2026, and to make other necessary changes to accurately reflect current law. The attached forms also contain proposed revisions to implement Senate Bill 899 (Stats. 2024, ch. 544), as well as the proposed adoption of four new forms to implement that law. A separate proposal entitled *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* explains that new law and proposes form revisions and the adoption of new forms for other categories of protective orders.

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

This proposal is needed to implement AB 2096 (see Link A), which will go into effect on January 1, 2026. The committee proposes revisions to the private postsecondary school violence form group to (1) remove the word “private” as a modifier across all 26 of these forms, (2) include additional criteria establishing the basis of a protective order, (3) add a prohibition against stalking to the list of personal conduct orders, (4) revise the explanation of the circumstances meriting free filing, and (5) revise the explanation of the circumstances meriting free service by the sheriff or marshal.

Removing “private”

Under existing law, Code of Civil Procedure section 527.85 defines “postsecondary educational institution” to mean “a private institution of vocational, professional, or postsecondary education.” AB 2096 removes the word “private” from the definition of “postsecondary educational institution,” thereby expanding the definition to include public institutions. The committee therefore proposes deleting existing uses of “private” as a modifier in all 26 revised forms included in this proposal, for example, by renaming *Notice of Hearing to Renew Restraining Order (Private Postsecondary School Violence Prevention)* to *Notice of Hearing to Renew Restraining Order (Postsecondary School Violence Prevention)* (form SV-710). Please note that proposed revised forms are highlighted in the attached forms, to the extent possible. However, deletions do not show in highlighting.

Criteria for seeking a protective order or injunction

Under existing law, Code of Civil Procedure section 527.85(a) authorizes certain postsecondary educational institution officers and employees to seek a temporary restraining order or injunction on behalf of a student who suffers a credible threat of violence “made off the school campus or facility from any individual which can reasonably be construed to be carried out or to have been carried out at the school campus or facility.” AB 2096 removes the location language quoted above and broadens the criteria for seeking these orders to include unlawful violence in addition to credible threats of violence. The specific revisions proposed by the committee in this regard are discussed below.

Removing the location language

The committee proposes removing the language regarding a credible threat of violence made off the campus or facility that can reasonably be construed to be carried out or to have been carried out at the campus or facility from item 8 of the petition (form SV-100), item 5 of the notice of court hearing (form SV-109), and two information sheets (forms SV-100-INFO and SV-120-INFO).¹

¹ Alongside the location language, existing item 8.b of the petition (form SV-100) contains space to list the address of the campus or facility. The committee proposes deleting existing item 8.b and instead creating a new space to list the address of the student’s campus or facility in item 2.

Adding “unlawful violence”

In addition to credible threats of violence, AB 2096 includes protections for students who have suffered unlawful violence, which Code of Civil Procedure section 527.85(b) defines as “assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code,” but which excludes “lawful acts of self-defense or defense of others.” The committee therefore proposes revising item 5 of the notice of court hearing (form SV-109) and one information sheet (form SV-100-INFO) to additionally mention assault, battery, or stalking.²

Personal conduct orders

Existing Code of Civil Procedure section 527.85(j) requires the court to issue an order prohibiting further threats of violence if the judge finds that the respondent made a credible threat of violence. AB 2096 requires the judge’s findings and the order to include “unlawful violence” as well.

As described above, the definition of “unlawful violence” in Code of Civil Procedure section 527.85(b) contemplates assault, battery, and stalking. The personal conduct orders on the temporary restraining order (form SV-110 in item 6a(1)) and order after hearing (form SV-130 in item 7a(1)) currently address assault and battery but do not mention stalking. The committee therefore proposes adding “stalking” to the personal conduct orders on the temporary restraining order (form SV-110) and order after hearing (form SV-130).

Circumstances meriting free filing

Existing Code of Civil Procedure section 527.85(w) provides that there is no filing fee for a petition that alleges that a person has “threatened violence against a student of the petitioner, or stalked the student, or acted or spoken in any other manner that has placed the student in reasonable fear of violence.” Under AB 2096, there is no filing fee for a petition that alleges that a person has “inflicted unlawful violence, including stalking, or made a credible threat against a student of the petitioner.” Accordingly, the committee proposes revising item 14 on the petition (form SV-100) to reflect the legislation’s expansion of free filing to include allegations of assault or battery, in addition to stalking.

Circumstances meriting free service of process

Existing Code of Civil Procedure section 527.85(x)(1) provides that there is no fee for the service of process by a sheriff or marshal of a temporary restraining order or order after hearing if the order issued is based upon a credible threat of violence or stalking. AB 2096 prohibits fees for such service if a temporary restraining order or order after hearing is based upon “unlawful violence, including stalking” or “a credible threat of violence.” The committee therefore proposes revising all existing mentions of free service by the sheriff or marshal in this form

² The committee is not proposing revisions to form SV-100 to implement this provision because the description of the respondent’s conduct on that form already mentions assault, battery, or stalking. As discussed below, the personal conduct orders on the temporary restraining order (form SV-110) and order after hearing (form SV-130) already mention assault and battery, but the committee proposes revising those personal conduct orders to additionally mention stalking.

group to reflect the language of AB 2096. The proposed revisions include item 15 of the petition (form SV-100), item 14 of the temporary restraining order (form SV-110), item 7 of the order on request to continue (form SV-116), item 18 of the order after hearing (form SV-130), item 6 of the order to reschedule to renew (form SV-716), and one information sheet (form SV-200-INFO).

Other revisions and the implementation of Senate Bill 899

It came to the committee's attention that, unlike the other free service items for postsecondary school violence restraining orders,³ the existing free service language on the order after hearing (form SV-130) did not mention free service because of the petitioner's entitlement to a fee waiver.⁴ Therefore, the committee proposes revising the free service language on form SV-130 so that it mirrors the language seen on the other forms within this form set. Additionally, the committee proposes making various technical corrections and revisions to replace gendered language with gender-neutral language. The committee also proposes various revisions to enhance clarity and reflect current law.⁵

A separate proposal which is concurrently circulating for comment, *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899*, also affects the postsecondary school violence form set.⁶ The proposed form revisions that appear in yellow highlight relate to AB 2096, while the form revisions implementing SB 899 that are the subject of the separate proposal appear in gray highlight. Additionally, the four forms proposed for adoption all relate to SB 899 (forms SV-820, SV-830, SV-840, and SV-850). Comments involving the implementation of SB 899 should be directed to *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* rather than to this proposal.

Alternatives Considered

The committee did not consider the alternative of taking no action because form revisions are needed to comply with AB 2096. To the extent the proposed revisions were not required by the terms of AB 2096, the committee considered taking no action but ultimately determined the

³ For example, see existing forms SV-110, SV-116, and SV-716, all of which (1) contain checkboxes indicating whether free service was ordered and (2) provide language regarding free service because of the petitioner's entitlement to a fee waiver.

⁴ Gov. Code, § 26720.5; Cal. Rules of Court, rule 3.55.

⁵ The committee proposes the following: (1) revising item 1 in forms SV-110 and SV-130 to additionally list the name of the postsecondary educational institution, (2) revising text appearing under the heading "After You Have Been Served with a Restraining Order" on form SV-110 to reflect current law by indicating that the petition alleges certain actions against students rather than against employees, (3) revising form SV-109 to reflect that a restraining order could last up to three years, (4) updating various URLs throughout the proposed forms, and (5) revising text under the heading "Who can get this school violence protection order?" on form SV-100-INFO by replacing "may request court orders prohibiting credible threats of violence against a student" with "may request these court orders" because proposed revisions on the same page of SV-100-INFO already flag both credible threats of violence and assault, battery, or stalking.

⁶ *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899*, SPR25-27, available at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm>.

revisions were warranted in light of the benefits the revisions would provide to the courts and court users.

The committee discussed whether to use “unlawful violence” across these forms, or to instead use “assault, battery, or stalking.”⁷ The committee proposes using “assault, battery, or stalking,” as those terms are more readily understood than “unlawful violence” and there is existing precedent for using “assault, battery, or stalking” within this form group.⁸

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by courts to train court staff and incorporate new forms into their paper or electronic processes. 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, and therefore cannot be avoided.

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 two 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 SV-100, SV-100-INFO, SV-109, SV-110, SV-115, SV-115-INFO, SV-116, SV-120, SV-120-INFO, SV-130, SV-200, SV-200-INFO, SV-250, SV-260, SV-600, SV-610,

⁷ The definition of “unlawful violence” in Code of Civil Procedure section 527.85(b)(9) is “any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.”

⁸ See, for example, item 8a(1) of the existing petition (form SV-100).

SV-620, SV-630, SV-700, SV-710, SV-715, SV-716, SV-720, SV-730, SV-800, SV-800-INFO, SV-820, SV-830, SV-840, and SV-850, at pages 7–85

2. Link A: Assem. Bill 2096 (Stats. 2024, ch. 947),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2096
3. Link B: Sen. Bill 899 (Stats. 2024, ch. 544),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB899

DRAFT

Clerk stamps date here when form is filed.

Read *How do I Get a 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.

DRAFT
2025-03-19
**Not approved by
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 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: _____

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 Student in Need of Protection

Full Name: _____

Gender: M F Nonbinary Age: _____

Address of student's school campus or facility: _____

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):

Full Name	Gender	Age	Household Member?	Relationship to Student
_____	_____	_____	<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):

Table with 4 columns: Kind of Case, Filed in (County/State), Year Filed, Case Number (if known). Rows include Postsecondary School Violence, Civil Harassment, Domestic Violence, Divorce, Nullity, Legal Separation, Paternity, Parentage, Child Support, Elder or Dependent Adult Abuse, Eviction, Guardianship, Workplace Violence, Small Claims, Criminal, and Other (specify).

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 **their** safety or the safety of **their** immediate family.

b. 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 **8b**.

c. Was the student harmed or injured? Yes No (*If yes, describe harm or injuries*):

Response is stated in Attachment **8c**.

d. Did the respondent use or threaten to use a gun or any other weapon? Yes No (*If yes, describe*):

Response is stated in Attachment **8d**.

e. 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.*)

This is not a Court Order.



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

b. If the court orders the respondent to stay away from all the places listed above, will **the respondent** still be able to get to **their** home, school, or job? Yes No (*If no, explain*):
 Response is stated on Attachment 10b.

This is not a Court Order.



11 Does the Respondent Have Firearms (Guns), Firearm Parts, or Ammunition?

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

- a. I don't know
- b. No
- c. Yes (If you have information, complete the section below.)

	<u>Describe Firearms (Guns), Firearm Parts, or Ammunition</u>	<u>Number or Amount</u>	<u>Location, if known</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

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 respondent 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 their immediate possession or control. If an order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

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 them?

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

Reasons are stated in Attachment 12.

This is not a Court Order.



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.

14 **No Fee for Filing**

There is no filing fee for a petition alleging that the respondent made a credible threat against or assaulted, battered, or stalked a student of the petitioner.

15 **Request for No Fee to Serve Orders**

a. I ask the court to order the sheriff or marshal to serve the respondent. There is no fee for service of process by a sheriff or marshal if the order is based upon a credible threat of violence or assault, battery, or stalking.

b. If the court issues an order, I ask that a peace officer serve it for free.

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: _____

This is not a Court Order.



Case Number:

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

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

What is a postsecondary school violence protection order?

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

The court can order a person not to:

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

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

These orders will be enforced by law enforcement agencies.

Who can get a postsecondary school violence protection order?

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

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

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

Who can be protected under this law?

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

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

A school official may seek protection under this law if:

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

What forms must be used to get the order?

A school official may seek protection under this law if:

1. *Petition for Postsecondary School Violence Restraining Orders (Petition)* (form [SV-100](#)). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
2. *Confidential 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. *Postsecondary School Violence Restraining Order After Hearing (Order)* (form [SV-130](#)). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

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

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

Where can I get these forms?

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

Do I need a lawyer?

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

What steps are needed to get the court orders?

1. Fill in the **Petition** (form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form SV-109). If you are seeking a **TRO**, also fill out form SV-110.
2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form SV-100). You may use form [MC-031](#), *Attached Declaration*.
3. Fill in *Confidential 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 **assault, battery, or stalking, or the credible threat of violence**, and the problems they have caused your student.

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

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
 - b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form SV-109).
 6. If you are seeking a TRO (form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.



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

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

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

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

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

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

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

You can bring to the hearing:

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

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

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



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

What if I have a disability?

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

Information about the process is also available online.

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

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

Lawyer for Petitioner *(if any for this case)*:

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

The court will complete the rest of this form.

4 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the respondent:

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> Hearing Date </div>	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	
	_____	_____	

To the person in 3:

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

5 Temporary Restraining Orders *(Any orders granted are on form SV-110, served with this notice.)*

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form SV-100, *Request for Postsecondary School Violence Restraining Orders*, are *(check only one box below)*:

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*



b. Reasons that Temporary Restraining Orders as requested in form SV-100, *Petition for 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 **assault, battery, or stalking, or a credible threat of violence**, 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 Postsecondary School Violence Restraining Orders* (file-stamped)
- b. SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. [SV-120](#), *Response to Petition for Postsecondary School Violence Restraining Orders* (blank form)
- d. [SV-120-INFO](#), *How Can I Respond to a Petition for Postsecondary School Violence Restraining Orders?*
- e. 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”?*
- You may ask to reschedule the hearing if you are unable to find the respondent and need more time to serve the documents, or for other good reasons. Read form [SV-115-INFO](#), *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form SV-100, *Petition for Postsecondary School Violence Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form [SV-100-INFO](#), *How Do I Get an Order to Prohibit Postsecondary School Violence?*



To the Respondent:

- If you want to respond to the request for orders in writing, file form SV-120, *Response to Petition for 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, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).** If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form SV-115-INFO, *How to Ask for a New Hearing Date*.

**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 courts.ca.gov/rules-forms/find-your-court-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
2025-03-13
**Not approved by
the Judicial Council**

1 Petitioner (Educational Institution Officer or Employee)

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

Fill in court name and street address:

Superior Court of California, County of

2 Student (Protected Person)

Full Name: _____

Court fills in case number when form is filed.

Case Number:

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:

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

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

5 Expiration Date

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

Date: _____ Time: _____ 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** to do the following things to the student

and to the other protected persons listed in ④:

- (1) Harass, molest, strike, stalk, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Commit acts of violence or make threats of violence against the person.
- (3) Follow or stalk the person during school hours or to or from the school.
- (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by 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, meaning receivers, frames, or any item that may be used as easily turned into a receiver or frame (see 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, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form [SV-800](#)) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

	Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “SV-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

10 No Body Armor

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

This is a Court Order.



11 **Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form SV-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in 8b) you still have or own, including any items listed in 9. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



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

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

12 **Other Orders**

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

Additional orders are attached at the end of this Order on Attachment 12.

To the Person in 1:

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

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

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
 b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
 c. By the close of business on the date that this Order is made, 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 13.

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

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

- a. The Order is based on assault, battery, or stalking, or a credible threat of violence.
 b. The petitioner is entitled to a fee waiver.

A peace officer may also serve this Order without charge. Please see form [SV-200-INFO](#) for more information.

This is a Court Order.



15 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 firearms (guns), firearm parts, and ammunition 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.

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 [SV-120-INFO](#), *How Can I Respond to a Petition for Postsecondary School Violence Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form [SV-120](#), *Response to Petition for Postsecondary School 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 made a credible threat against the student or assaulted, battered, or stalked the student.
- You must have form SV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form [SV-250](#), *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/rules-forms/find-your-court-forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

This is a Court Order.



Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). 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).)

Conflicting Orders—Priorities for Enforcement

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

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

This is a Court Order.



Case Number:

(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.

DRAFT**2024-12-10****Not approved by
the Judicial Council**

Instructions: Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form [SV-109](#)). Read *How to Ask for a New Hearing Date* (form [SV-115-INFO](#)) for more information.

① My Information

a. My name is: _____

b. I am the:

(1) **Petitioner** (educational institution officer or employee)
(*skip to ②*).(2) **Respondent** (*give your contact information below*).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: _____

City: _____ State: _____ Zip: _____

My contact information (*optional*):

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (*skip if you do not have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**② Information About My Case**a. The other party in this case is (*full name*): _____b. I have a court hearing currently scheduled for (*date*): _____**This is not a Court Order.**

3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known:
Please attach a copy of the order if you have one.
No.
I don't know.

Notice: If the court date is rescheduled, the Temporary Restraining Order (form SV-110) will remain in effect until the end of the new court date, unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

- I need more time to have the respondent personally served.
I am the respondent, and this is my first request to reschedule the court date.
Other reason:

Lined area for providing the reason for rescheduling the court date.

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

Date:

Lawyer's name, if you have one



Lawyer's signature

This is not a Court Order.

1 You may need to ask for a new court date if:

- You are the petitioner and are unable to have *Notice of Court Hearing* (form [SV-109](#)) and other papers served in time before your court date.
- You are the respondent and **are** making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule your court date on a showing of good cause.)

2 What does form SV-115 do?

Use *Request to Continue Hearing* (form [SV-115](#)) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form [SV-110](#)) was granted, the TRO will be extended until the end of your new court date unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new court date.

3 Follow these steps:

- Fill out all of form SV-115.
- Fill out items **1** through **2** on *Order on Request to Continue Hearing* (form [SV-116](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form SV-116, the court will give you a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is on form [SV-109](#).
- Next, file both forms SV-115 and SV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served with a copy of the court papers as described in item **6** on form SV-116.
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form [SV-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the petitioner and you do not go to your court date, the TRO will expire at the end of your new court date.
- If you are the respondent and you do not go to your court date, the court can still make orders against you that can last for up to three years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

Not approved by the Judicial Council

Complete items ① and ② only.

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

② **Respondent:**

The court will complete the rest of this form

③ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form [SV-110](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

④ **Temporary Restraining Order**

a. **There is no *Temporary Restraining Order* (TRO) in this case until the next court date** because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because:

b. **A *Temporary Restraining Order* (TRO) is still in full force and effect.**

(1) The court extends the TRO previously granted on (*date*) _____

It now expires on (*date*): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form [SV-110](#)).

c. Other (*specify*): _____

Warning and Notice to the Restrained Party:
If ④ b is checked, a temporary restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (*check one*):

(1) The petitioner has not served the respondent.

(2) Other _____

b. This is the first time that the respondent has asked for more time to prepare.

c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner**

(1) You do not have to serve the respondent because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the respondent personally served with a copy of this order and a copy of all documents listed on form SV-109, item 6, by
(date): _____

(3) You must serve the respondent with a copy of this order. This can be done by mail. You must serve by
(date): _____

(4) Other _____

b. **Respondent**

(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the petitioner personally served with a copy of this order by
(date): _____

(3) You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by
(date): _____

(4) Other _____

c. **Court**

(1) Further notice is not required.

(2) The court will mail a copy of this order to all parties by
(date): _____

(3) Other _____

This is a Court Order.



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

The sheriff or marshal will serve this order for free because:

- a. The order is based on **assault, battery, or stalking, or a credible threat of violence.**
- b. The person in **1** is entitled to a fee waiver.

8 **Other Orders**

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

Date: _____

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate
[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TSV)* (form SV-116) 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 Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

2025-03-19

Not approved by the Judicial Council

Use this form to respond to the *Petition* (form SV-100)

- Read *How Can I Respond to a Petition for 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: _____

Email Address: _____

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 12 on page 4.)

c. I agree to the following orders (specify below or in item 12 on page 4):

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 12 on page 4.)

c. I agree to the following orders (specify below or in item 12 on page 4):

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.



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, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (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 firearms (guns), firearm parts, and ammunition 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 have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt

- (1) is attached.
- (2) has already been filed with the court.

- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):

(1) Are you a sworn peace officer?

- No
- Yes

(2) Are there any orders or laws that prohibit you from having firearms or ammunition?

- No
- I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note that you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).)



8 No Body Armor

If you were served with form SV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). *(Attach a copy of the letter granting permission, if you have one.)*

9 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in item 12 on page 4.)*
- c. I agree to the following orders *(specify below or in item 12 on page 4):*

10 Denial

I did not do anything described in item 8 of form SV-100. *(Skip to 12.)*



13 **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.*)

14 **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 14—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 **their** lawyer's fees and costs.

15 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

SV-120-INFO**How Can I Respond to a Petition for Postsecondary School Violence Restraining Orders?****What is a 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, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

Who can ask for a postsecondary school violence restraining order?

The chief administrative officer of a postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request these court orders.

I've been served with a petition for 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 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 from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

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-100 (or to 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

1. **Petitioner (Educational Institution Officer or Employee)**

a. Name: _____

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2. **Student in Need of Protection**

Full Name: _____

3. **Respondent (Person From Whom Protection Is Sought)**

Full Name: _____

The court will complete the rest of this form.

4. **Notice of Hearing**

A court hearing is scheduled on the request for restraining orders against the respondent:

Hearing Date: _____ Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above: _____

To the person in ③:

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

5. **Temporary Restraining Orders** (Any orders granted are on form SP-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.)

Notice of Court Hearing (Private Postsecondary School Violence Prevention) SV-109, Page 1 of 3



How long does the order last?

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

Do I need a lawyer?

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

Will I see the student at the court hearing?

Yes. Assume that the student will attend the hearing. Do not talk to **the student** unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

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

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

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

What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition 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.

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work, if you prove that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [self-help website to be created] or see Code of Civil Procedure section 527.9(f).

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](#).

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

**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: _____

c. Name of the Postsecondary Educational Institution: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

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

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

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

*Gender: M F Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to student
_____	_____	_____	<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/school representative *(name)*: _____
 - (2) The lawyer for the petitioner/school *(name)*: _____
 - (3) The student (4) The lawyer for the student *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 6b.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

- a. You are ordered **not to** do the following things to the student
 - and to the other protected persons listed in **4**:
 - (1) Harass, molest, strike, **stalk**, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during school hours or to or from the school.
 - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (5) Enter the person's school.
 - (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*: _____
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

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

This is a Court Order.



8 Stay-Away Orders

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

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

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

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

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

b. **Prohibited items are:**

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

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

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

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

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

10 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

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

	Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1)	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	<input type="checkbox"/> (date): _____



10 b. Ammunition

	Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1)	_____	_____	_____	<input type="checkbox"/> (date): _____
(2)	_____	_____	_____	<input type="checkbox"/> (date): _____
(3)	_____	_____	_____	<input type="checkbox"/> (date): _____
(4)	_____	_____	_____	<input type="checkbox"/> (date): _____

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

11 Restrained Person Has Not Complied With Surrendering Prohibited Items

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

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation:
(law enforcement agency or agencies): _____

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation:
(prosecuting agency): _____

12 No Body Armor

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

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

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



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

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

This is a Court Order.



14 **Costs**

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

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

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

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

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

To the Person in 1:

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

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

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

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

17 **Service of Order on Respondent**

- a. The respondent personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of form SV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) The judge’s orders in this form are different from the temporary restraining orders in form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

This is a Court Order.



- 17 b. (3) The court has scheduled a firearms, firearms parts, and and ammunition compliance hearing. The petitioner must have a copy of this order served on the respondent by:
- (a) Personal service by (date): _____
- (b) Mail at respondent's last known address by (date): _____

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

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

- a. The Order is based on assault, battery, or stalking, or a credible threat of violence.
- b. The petitioner is entitled to a fee waiver.

A peace officer may also serve the Order without charge. See form [SV-200-INFO](#) for more information.

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

Date: _____

Judicial Officer

Warning and Notice to the Respondent:

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

Unless item 9 e 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 9 b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in 9 above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

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

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

Clerk’s Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
01/24/2025
**Not approved by
the Judicial Council**

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

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

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

4 **Notice to Server**
The server must:
• Be 18 years of age or older.
• Not be listed in items **1**, **2**, or **4** of Form SV-100.
• Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of

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 Postsecondary School Violence Restraining Orders*
d. SV-120, *Response to Petition for Postsecondary School Violence Restraining Orders* (blank form)
e. SV-120-INFO, *How Can I Respond to a Petition for Postsecondary School Violence Restraining Orders?*
f. SV-130, *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

What is “Service”?

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

Service lets the other person know:

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

Why do I have to get the orders served?

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

Who can serve?

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

The server must:

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

The sheriff or marshal may be authorized to serve the court’s orders **for free** if the orders are based on claims of a credible threat of violence **or assault, battery, or stalking**, or if you are eligible for a fee waiver. Another peace officer may also serve the order for free. See [selfhelp site to be created] for additional information regarding free service by a sheriff, marshal, or other peace officer.

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

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



Don't serve it by mail!

How to serve

Ask the server to:

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

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

- If the person will not take the papers, just leave **the papers** near **them**.
- It does not matter if the person tears **the papers** up. Service is still complete.



When do the orders have to be served?

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

First, look at the hearing date on page 1 of form SV-109.

④ Notice of Hearing

Hearing Date

Date: _____

Dept.: _____

Next, look at the number of days in item ⑥ on page 2 of form SV-109.

⑥ Service of Documents By the Person in ①

At least five _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑥ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑥, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

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

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

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

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

If the sheriff or another peace officer serves the papers, they will send proof of service to the court and CLETS for you.

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

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

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

Not approved by the Judicial Council

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

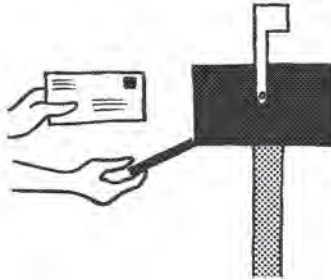
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner’s lawyer.
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the petitioner or the petitioner’s lawyer a copy of:

- a. Form SV-120, *Response to Petition for Postsecondary School Violence Restraining Orders* (completed)
- b. Other (*specify*): _____

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

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

7 Server’s Information

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

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server’s name

Server to sign here

**Proof of Service of Order
After Hearing by Mail**

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

**Not approved by
the Judicial Council**

You may serve form SV-130, Postsecondary School Violence Restraining Order After Hearing on the respondent by mail if the respondent was not at the hearing and:

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Name: _____

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and live or am employed in the county where the mailing took place. I am not the petitioner, the student, or any person listed in item **4** of form SV-130. I mailed the respondent a copy of:

- a. Form SV-130, *Postsecondary School Violence Restraining Order After Hearing*
- b. Other (specify): _____

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

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

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

**Request to Modify Terminate
Postsecondary School Violence
Restraining Order**

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Modification/Termination

- a. Your Full Name: _____
- b. Petitioner Respondent
- c. Your Lawyer (*if you have one for this case*)
 Name: _____ State Bar No.: _____
 Firm Name: _____
- d. 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 Other Party

- a. Full Name: _____
- b. Address (*if known*): _____
 City: _____ State: _____ Zip: _____

3 Current Order

- a. The current order is a/an:
 Postsecondary School Violence Restraining Order After Hearing (form SV-130)
 Order Renewing Postsecondary School Violence Restraining Order (form SV-730)
- b. The current order expires on (*date*): _____
- c. A copy of the current order is attached.

4 Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (*specify requested changes referring to the item number in order that you want to change or delete*):
 Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a —Requested Changes" for a title. You may use form MC-025, Attachment.



Case Number:

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

Notice of Hearing on Request to
 Modify **Terminate**
Postsecondary School Violence
Restraining Order

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

**Not approved by
the Judicial Council**

Party seeking order completes items ① and ②.

① Party Seeking Modification/Termination

- a. Your Full Name: _____
- b. Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- c. 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

Fill in case number:

Case Number:

② Other Party

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

③ Court Hearing

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

The current restraining order stays in effect unless terminated by the court.

Hearing Date →

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

④ Service on Other Party

- a. Someone age 18 or older—**not you**—must serve a copy of the following forms on the other party or parties:
 - SV-600, Request to Modify/Terminate Postsecondary School Violence Restraining Order;
 - SV-610, Notice of Hearing on Request to Modify/Terminate Postsecondary School Violence Restraining Order (this form);
 - SV-620, Response to Request to Modify/Terminate Postsecondary School Violence Restraining Order (blank copy).

The forms must be served on the other party _____ days before the hearing.



- b. **If you are the Respondent: You must have the protected person personally served with these forms. This requirement of personal service on the protected person is not a justification for you to violate the terms of the restraining order.** You must also serve the Petitioner educational institution officer or employee. Service on the Petitioner may be by mail.
- c. **If you are the Petitioner Education Institution Officer or Employee and you are requesting modification or termination other than at the request of the protected person: You must have the protected person personally served with these forms.** You must also serve the Respondent. Service on the Respondent may be by mail.
- d. **If you are the Protected Person:** The Respondent and Petitioner educational institution officer or employee may be served with these forms by mail.
- e. The person who serves the forms must fill out either form SV-200, *Proof of Personal Service*, or form SV-250, *Proof of Service of Response by Mail* (or both). Have the person who served sign the original. Take the signed original proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see form SV-200-INFO, *What Is "Proof of Personal Service"?*

Date: _____ Clerk, by _____, Deputy

To the Other Party:

If you wish to make a written response to this request to modify or terminate the current postsecondary school violence restraining order, you may fill out form SV-620, *Response to Request to Modify/Terminate Postsecondary School Violence Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the other party at the address in ① at least _____ days before the hearing. Also file form SV-250, *Proof of Service of Response by Mail*, with the court before the hearing.



Request for Accommodations

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

Clerk’s Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Modify/Terminate Postsecondary School Violence Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____

Clerk, by _____, Deputy

SV-620

Response to Request to
 Modify **Terminate**
Postsecondary School Violence
Restraining Order

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

**Not approved by
the Judicial Council**

Use this form to respond to the *Request to Modify or Terminate Postsecondary School Violence Restraining Order* (form SV-600).

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the other party at the address in **(2)** below. 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:

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-610 item **(3)** here.

**Hearing
Date** →

Date: _____

Time: _____

Dept.: _____ Room: _____

1 Party Filing Response

a. Your Full Name: _____

b. Petitioner Respondent

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

Name: _____ State Bar No.: _____

Firm Name: _____

c. 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. Law enforcement officer, give agency information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

2 Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

3 Response

a. I agree to the Modification Termination of the order

b. I do not agree to the Modification Termination
(Specify why you disagree in item **(4)** on page 2.)

c. I agree to the following orders (specify below or in item **(4)** on page 2):



4 Reasons I Do Not Agree to the Modification Termination

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

Lined area for writing the response.

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

To the Party Filing This Response:

Have someone age 18 or older—**not you**—mail a copy of this completed form SV-620 to the other party or to the other party's lawyer, if any. This is called "service by mail." The person who serves the form by mail 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 signed original proof-of-service form back to the court clerk or bring it with you to the hearing.

Order on Request to
 Modify **Terminate**
Postsecondary School Violence
Restraining Order

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

**Not approved by
the Judicial Council**

Prevailing party completes items ① and ②.

① Party Seeking Modification/Termination

a. Full Name: _____

Lawyer (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If this party has a lawyer, give the lawyer's information.
If the party does not have a lawyer and wants to keep home
address private, give a different mailing address instead.
Telephone, fax, or email are not required.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Email Address: _____

③ Hearing

There was a hearing on (date): _____ at time: _____ a.m. p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. The party seeking modification termination

b. The party opposing modification termination

c. The lawyer for the party seeking modification termination (name): _____

d. The lawyer for the party opposing modification termination (name): _____

④ Order

The request to modify terminate the attached.

Postsecondary School Violence Restraining Order After Hearing (form SV-130)

Order Renewing Postsecondary School Violence Restraining Order (form SV-730)

originally issued on (date): _____ is:

a. **DENIED.** The order and expiration date remain the same.

This is a Court Order.



b. **DENIED** without prejudice because the other party was not served on time.

c. **GRANTED.**

(1) The order is **TERMINATED** as of the date this Order is signed on page 3.

(2) The order is **MODIFIED** as stated: Below On Attachment 4c(2)

(Specify, referring to item numbers in the original order):

(3) The order now **EXPIRES** on *(date)*: _____ at *(time)*: _____

5 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 prevailing party or **their** 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 5.

This is a Court Order.



To the Prevailing Party:

6 Service of Order

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented by a lawyer, you must serve the lawyer instead of the party.

- a. The other party attended the hearing. **No further service is required.**
- b. **Order Granted**—The other party did not attend the hearing. **Service is required.** This Order
 - (1) must be personally served on the other party within _____ days of the date of this Order.
 - (2) may be served by mail on the other party within 5 days of the date of this Order.
- c. **Order Denied**—The other party did not attend the hearing. **Service by Mail:** The other party may be served with this Order by mail.

Date: _____

Judicial Officer

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Order on Request to Modify/Terminate Postsecondary School Violence 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 below when form is filed.

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2024-12-10

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the Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (School Official)

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

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

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Renew Restraining Order

I ask the court to renew the *Postsecondary School Violence Restraining Order After Hearing* (form SV-130). A copy of the order is attached.

- a. The order ends on (date): _____
- b. This is my first request to renew the order.
 The order has been renewed _____ times.
- c. I want the order to be renewed for three years other (specify): _____
- d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d.

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

Date: _____

Type or print your name



Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

DRAFT

2024-12-10

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1 Petitioner (School Official)

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

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

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

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

To the Respondent:

4 Court Hearing

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

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

Hearing Date

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

Name and address of court if different from above:

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

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

This is a Court Order.



To the Petitioner:

5 Service and Response

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

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

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

Date: _____

Judicial Officer



Request for Accommodations

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

This is a Court Order.

DRAFT**2024-12-10****Not approved by
the Judicial Council**

Instructions: Either party may use this form to ask the court to reschedule the hearing (court date) listed on form [SV-710](#), *Notice of Hearing to Renew Restraining Order*. Note: If the hearing is rescheduled, the restraining order will be extended until the new court hearing.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 My Information**

a. My name is: _____

b. I am the (*check one*):(1) **Petitioner** (educational institution officer or employee)*(skip to 2).*(2) **Restrained Party** (*give your contact information below*).**Address where I can receive mail:**

This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission. If you have a lawyer, give their information.

Address: _____

City: _____ State: _____ Zip: _____

Additional contact information (*optional*)

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (*skip if you do not have one*)

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About Your Casea. The other party in this case is (*full name*): _____b. The court date is currently scheduled for (*date*): _____**This is not a Court Order.**

3 Why does your court date need to be rescheduled?

- a. I need more time to have the restrained party served.
- b. Other reason:

4 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

5 Lawyer's signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Complete form [SV-716](#), *Order to Reschedule Hearing to Renew Restraining Order* (only items ① and ②).
- File forms [SV-715](#) and SV-716 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of all forms listed on form SV-716, item ⑤. Your server can be the sheriff or another adult who is not involved in the case. For more information on how to serve the restrained person, go to selfhelp.courts.ca.gov/SV-restraining-order/renew/sheriff-serves.
- If the judge denies your request to reschedule, you must go to your court hearing (listed on form [SV-710](#)).

**Order to Reschedule Hearing
to Renew Restraining Order**

Clerk stamps date here when form is filed.

DRAFT

2025-03-13

**Not approved by
the Judicial Council**

(Complete ① and ② only. The court will complete the rest of this form.)

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

② **Restrained Party:** _____

③ **Next Court Date**

a. **Denied:** The request to reschedule the court date is denied.

Your court date is: _____

(1) The *Postsecondary School Violence Restraining Order After Hearing (SV-130)* granted in this case stays in full force and effect until your court date.

(2) Your court date is not rescheduled because:

b. **Granted:** The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. The current restraining order stays in effect until the hearing date below or the original expiration date, whichever is later. See ④–⑦ for more information.

**New
Court
Date**

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

Name and address of court, if different from above:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Warning and Notice to the Restrained Party:
You must obey the restraining order while it is in effect.

This is a Court Order.



4 Reason Court Date Is Rescheduled

- a. The petitioner has not served the restrained party.
- b. Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner**

b. **Restrained party**

c. **Court**

(1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.

(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(1) Further notice is not required.

(2) You must have the restrained party personally served with a copy of all the forms listed on form [SV-710](#), item **5**, by (date): _____

(2) You must have the petitioner personally served with a copy of this order by (date): _____

(2) The court will mail a copy of this order to all parties by (date): _____

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) You must have the petitioner served with a copy of this order. This can be done by mail. You must serve by (date): _____

(3) Other: _____

(4) Other: _____

(4) Other: _____

This is a Court Order.



6 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this order for free because:

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

7 Other Orders

Date: _____

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to courts.ca.gov/rules-forms/find-your-court-forms for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the court rescheduled the court date, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

I certify that this *Order to Reschedule Hearing to Renew Restraining Order* (form SV-716) is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

**Not approved by
the Judicial Council**

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

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

1 Petitioner (School Official)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

a. 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: _____

Email Address: _____

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from form SV-710 item ④ here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

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

4 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (*specify below*):
 Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 4c—Order Requested” for a title. You may use form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 4d—Reasons Not to Renew” for a title.



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Order Renewing Postsecondary School Violence Restraining Order

Clerk stamps date here when form is filed.

DRAFT

2024-12-10

Not approved by the Judicial Council

1 Petitioner (School Official)

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

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

Fill in court name and street address:

Superior Court of California, County of

2 Student (Protected Person)

Full Name:

Fill in case number:

Case Number:

3 Respondent (Restrained Person)

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

4 Hearing

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

These people were at the hearing:

- a. The petitioner c. The lawyer for the petitioner (name): b. The respondent d. The lawyer for the respondent (name): Additional persons present are listed on Attachment 4.

5 Renewal and Expiration

The request to renew the attached Postsecondary School Violence Restraining Order After Hearing, originally issued on (date), is:

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

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

If no expiration date is written here, the order expires three years from the date of the hearing in item 5.

b. DENIED. The attached order expires as stated in item 5 of the order.

Date:

Judicial Officer

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
2025-03-19
**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 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:

- ④ **To the Respondent:**
If a judge has ordered you to turn in, sell, or store your firearms (guns), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a 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.



8 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 for Firearms, Firearm Parts, and Ammunition (form SV-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, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), which may also be called ghost guns; and
- Ammunition.

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, 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 to a licensed gun dealer. To do so, 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.

See selfhelp.courts.ca.gov/respond-to-SV-restraining-order/obey-firearms-orders

For help in your area, contact:

[Local information may be inserted.]

SV-820

Prohibited Items Finding and Orders

Case Number: _____

This form is attached to (check one): SV-110 SV-116 Other: _____

1 Restrained Person Has Prohibited Items

The court finds that the restrained person has prohibited items as follows:

- a. Listed on form SV-110, *Temporary Restraining Order*
- b. Listed below:

Firearms (guns) or firearm parts

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “SV-820, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

2 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

The restrained person must attend the court hearing listed below to prove that all prohibited items have been properly turned in, sold, or stored. If the restrained person does not attend the court hearing listed below, a judge may find that the restrained person has violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order:



Date: _____ Dept.: _____

Time: _____ Room: _____

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that the restrained person has not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation (*name of agency*):

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation (*prosecuting agency*):

This is a Court Order.

SV-830

**Noncompliance With Firearms,
Firearm Parts, and Ammunition Order**

CONFIDENTIAL

Clerk stamps date here when form is filed.

This notice is provided to the agency or agencies listed below, as required by the Code of Civil Procedure.

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)

Name: _____

2 Restrained Person

Name: _____

**3 Restrained Person Has Not Complied with
Surrendering Firearms (Guns), Firearm Parts, and
Ammunition**

The court has found that the person listed in **2** has firearms (guns), firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

(Check all that apply):

a. Notice to Law Enforcement Agency (*name of agency or agencies*):

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

b. Notice to Prosecuting Agency (*name of agency*): _____

(Notice is provided pursuant to Code of Civil Procedure section 527.9(b).)

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

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Noncompliance with Firearms, Firearm Parts, and Ammunition Order* (form SV-830), was sent to the agency or agencies listed on page 1:

a. **Law enforcement agency listed in 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

b. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

c. **Law enforcement agency listed in 4, if different than 3a**

(1) by fax, email, or other electronic means by personal delivery

(2) *(Phone number, email address, or address):*

(3) Date of transmission or delivery: _____

[seal]

Date: _____

Clerk, by _____, Deputy

**Notice of Compliance Hearing for
Firearms, Firearm Parts, and
Ammunition**

Clerk stamps date here when form is filed.

**DRAFT
1/21/2025
Not approved by
the Judicial Council**

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Restrained Person

Name: _____

3 Notice of Compliance Hearing

To the person in 2:

The court has issued a postsecondary school violence restraining order against you. You must attend the court hearing on the date and time listed below. At the hearing, you must prove that you have properly turned in, sold, or stored any firearms (guns), firearm parts, or ammunition that you have or own, as required in the restraining order and listed below in 4.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



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

Name and address of court, if different from the one listed above:

4 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 item listed below in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. If law enforcement asks you for your prohibited items, you must turn them over immediately.
- e. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in, sold, or stored. (You may use form [SV-800](#), *Receipt for Firearms, Firearm Parts, and Ammunition*.) If law enforcement served you with the restraining order, you must give a copy of the receipt to that law enforcement agency.

This is a Court Order.



5 **Restrained Person Has Prohibited Items**

The court has found that you have the following prohibited items:

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

Description (<i>include serial number, if known</i>)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “SV-840, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

6 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with (obeyed) the orders previously granted on (date): _____. The court has not received a receipt or proof of compliance for all the items listed in **5**.

b. **Notify Law Enforcement**

The court will immediately notify the following law enforcement agency of this violation (*name of agency*): _____

c. **Notify Prosecutor**

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

7 **Service**

The person in **2** does not have notice of these orders. The person in **1** must have the person in **2** served by:

- a. Personal service by (date): _____
- b. Mail, at the person in **2** ’s last known address by (date): _____

Judge's Signature

Date: _____

Judge or Judicial Officer

This is a Court Order.

SV-850

Permission to Have Firearm or Ammunition for Work

Case Number: _____

This form is attached to (*check one*): form SV-130 Other: _____

1 Court Findings

The court finds that the restrained person (*name*): _____

- a. Is required to carry a specific firearm or ammunition during scheduled work hours as a condition of their continued employment.
- b. Cannot be reassigned by their employer to another position where having a firearm or ammunition is not needed.
- c. Is not otherwise prohibited from having firearms or ammunition under state or federal law.
- d. Does not pose an additional threat of harm to any protected person or the public by having access to a specific firearm or ammunition.

- e. Is a sworn peace officer and:
 - (1) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise; and
 - (2) The personal safety of the restrained person depends on their ability to carry a specific firearm or ammunition outside of scheduled work hours.

- f. Is not a sworn peace officer and (*check 1 or 2*):
 - (1) The court did not order the restrained person to complete a psychological evaluation.
 - (2) The court ordered and reviewed a completed psychological evaluation of the restrained person by a licensed mental health professional with domestic violence expertise.

g. Other

This is a Court Order.



2 Court Order

a. The restrained person is (*check one*):

(1) Not a sworn peace officer and may have the items listed in 2b only during scheduled work hours.

(2) A sworn peace officer and (*check one*):

(a) May have the items listed in 2b while on duty.

(b) May have the items listed in 2b while on or off duty.

b. This restraining order does not require the restrained person to relinquish the specific firearm or ammunition listed below:

Firearm (*make*): _____ (*model*): _____ (*serial no.*): _____

Ammunition (*description*): _____

Warning: The court orders listed above in 2 only apply to this restraining order. If you are prohibited from having a firearm or ammunition by another order or law, you may still be in violation of state or federal law.

This is a Court Order.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:
Circulate for comment (January 1 cycle)

Title of proposal: Protective Orders: Civil Harassment Forms to Implement Senate Bill 554

Proposed rules, forms, or standards (include amend/revise/adopt/approve):
Revise forms CH-100 and CH-100-INFO

Committee or other entity submitting the proposal:
Civil and Small Claims Advisory Committee

Staff contact (name, phone and email): Madison Orcutt, 916-643-8068, madison.orcutt@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): October 22, 2024

Project description from annual agenda: Develop form recommendations as appropriate. SB 554 permits petitioners to file civil harassment restraining orders in the county where the petitioner resides. The civil harassment restraining order petition (form CH-100) should be revised to reflect this new possible venue.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*
N/A

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.)

The proposed form revisions on pages 4 to 6, inclusive, of form CH-100 are to implement Senate Bill 899 (Stats. 2024, ch. 544). As discussed in the Executive Summary and Origin, a separate proposal entitled Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899 explains that new law.

Additional Information for JC Staff

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was:

reviewed by EGG on (date) 3/5/2025

approved by Office Director (or Designee) (name) Michael Giden
on (date) 3/10/2025

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR25-29

Title	Action Requested
Protective Orders: Civil Harassment Forms to Implement Senate Bill 554	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms CH-100 and CH-100-INFO	January 1, 2026
Proposed by	Contact
Civil and Small Claims Advisory Committee Hon. Donald J. Proietti, Chair	Madison Orcutt, 916-643-8068 madison.orcutt@jud.ca.gov James Barolo, 415-865-8928 james.barolo@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes revisions to two civil harassment restraining order forms to implement Senate Bill 554 (Stats. 2024, ch. 652). The attached petition (form CH-100) also contains proposed revisions to implement Senate Bill 899 (Stats. 2024, ch. 544). A separate proposal entitled *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* explains that new law and includes additional forms that require changes based on that law.

Background

SB 554, which went into effect on January 1, 2025, amends Code of Civil Procedure section 527.6 by specifying the appropriate venue for civil harassment restraining orders. Previously, there was no language in Code of Civil Procedure section 527.6 regarding venue.

Pursuant to Code of Civil Procedure section 527.6(a)(2), a petition for a civil harassment restraining order may be filed in any superior court in the state, which may include, but is not limited to, (1) the county in which the defendant resides,¹ (2) the county in which the offense

¹ The Legislature in SB 554 used “defendant” to describe these persons.

occurred, (3) any other court that may have jurisdiction over the parties or the subject matter of the case, and (4) the county in which the petitioner resides or is temporarily located.

Moreover, SB 554 expressly states that an individual does not need to be a resident of California to file a petition for a civil harassment restraining order.

The Proposal

The proposal is needed to respond to recent changes to the law. SB 554 outlines four possible options for venue, only three of which are reflected on form CH-100.² Therefore, the Civil and Small Claims Advisory Committee proposes adding one additional venue option to item 5 of form CH-100 explaining that venue is also proper in the county in which the petitioner resides or is temporarily located. Additionally, the committee recommends revising form CH-100-INFO to reflect this additional venue option and the fact that a petitioner does not need to reside in California to file a request for a civil harassment restraining order. The committee also recommends various technical corrections and updating gendered language with gender-neutral language.

A separate proposal which is concurrently circulating for comment, *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899*, also affects the civil harassment form group.³ The proposed form revisions on form CH-100 that appear in yellow highlight relate to SB 554, while the form revisions implementing SB 899 that are the subject of the separate proposal appear in gray highlight. Comments involving the implementation of SB 899 should be directed to *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899* rather than to this proposal.

Alternatives Considered

The committee did not consider taking no action because the council is required by statute to develop forms to the extent necessary to implement SB 554.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly adopted and revised forms. Courts will also incur costs to incorporate the new and revised forms into their paper or electronic processes.

² The three options for venue on existing form CH-100 are: (1) the respondent lives in the county, (2) the petitioner was harassed by the respondent in the county, and (3) other (specify).

³ *Protective Orders: Civil Restraining Order Forms to Implement Senate Bill 899*, SPR25-27, available at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm>.

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 two 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 CH-100 and CH-100-INFO, at pages 4–13
2. Link A: Sen. Bill 554 (Stats. 2024, ch. 652),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB554
3. Link B: Sen. Bill 899 (Stats. 2024, ch. 544),
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB899

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
01/31/2025
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 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 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	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 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) resides in this county.
- b. I was harassed by the person in (2) in this county.
- c. I reside or am temporarily located in this county.
- d. 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)?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(If yes, check each kind of case and indicate where and when each was filed)</i>			
		<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.

Blank 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.

Blank 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.

Blank 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.

Blank 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 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 8c—Other Personal Conduct Orders" for a title.

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

9 Stay-Away Orders

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

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

b. If the court orders the person in (2) to stay away from all the places listed above, will **they** still be able to get to **their** 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 Does the Person in (2) Have Firearms (Guns), Firearm Parts, or Ammunition?

Does the person in (2) own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

- a. I don’t know
- b. No
- c. Yes (*If you have information, complete the section below*)

This is not a Court Order.



10	Describe Firearms (Guns), Firearm Parts, or Ammunition	Number or Amount	Location, if known
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

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 their immediate possession or control. If an order is granted, the person in (2) will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

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 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 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.

This is not a Court Order.



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.)*
- d. If the court issues an order, I ask that a peace officer serve it for free.

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.

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.

This is not a Court Order.



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

You do not need to reside in California to file your request for a civil harassment restraining order.

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, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

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

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, the person to be restrained **resides, or you reside or are temporarily located**. 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, emails, or telephone messages

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

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

To the person in (2):

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

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.)

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.

See 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 selfhelp.courts.ca.gov/request-interpreter.

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.

RULES COMMITTEE ACTION REQUEST FORM

Rules Committee Meeting Date: April 11, 2025

Rules Committee action requested [Choose from drop-down menu below]:

Circulate for comment (January 1 cycle)

Title of proposal: Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding

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

Amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA 005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV 410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457

Committee or other entity submitting the proposal:

Family and Juvenile Law Advisory Committee and Tribal Court–State Court Forum

Staff contact (name, phone and email): Ann Gilmour, 415-865-4207 ann.gilmour@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): Family and Juvenile Law Advisory Committee

Annual Agenda Approved November 26, 2024

Project description from annual agenda: Item 1 j. on page 5 and item 7 on page 12: ICWA Inquiry: Recent Supreme Court Decisions: Consider amendments to rules and revisions to forms based on recent opinions from the California Supreme Court in *In Re Dezi C.*, S275578, and *In re Kenneth D.*, S276649, and the pending decision *In re Ja.O.*, S280572, and legislative changes in Assembly Bill 81 Indian Children: Child Custody Proceedings. The opinions address significant issues regarding inquiry in Indian Child Welfare Act cases. Also, revise form JV-101A, Additional Children Attachment Juvenile Dependency Petition, to add Indian Child Welfare Act inquiry content for each child. Item 1 p. on page 6: Legislative Changes from the 2024 Legislative Session: As directed by the Judicial Council, review legislation identified by Governmental Affairs that may have an impact on family and juvenile law issues within the advisory committee's purview. The committee will review the legislation below, and any other identified legislation, and propose rules and forms as may be appropriate for the council's consideration and will act only where necessary to allow courts to implement the legislation efficiently. AB 2828 (Carrillo, Juan) Dependents: family finding (Stats. of 2024, Ch 845) Requires a social worker's supplemental report filed in connection with a status review hearing to include, for a nonminor dependent who does not reside with relatives, kin, or an Indian custodian, the social worker's continued efforts to locate relatives or kin who could provide family support or a placement; and requires the juvenile court to determine, at the status review hearing, whether the social worker has continued to make those efforts.

Tribal Court–State Court Forum Annual Agenda approved by the Executive and Planning Committee: December 5, 2024

Project description from annual agenda: Item 1, page 3: Indian Child Welfare Act (ICWA): Recent and Pending Supreme Court Decisions and Legislation: Consider amendments to rules and revisions to forms if required by recent opinions from the California Supreme Court in *In Re Dezi C.*, S275578, *In re. Kenneth D.* S276649, and the pending decision *In re Ja.O.*, S280572 and anticipated legislative changes in Assembly Bill 81 Indian Children: Child Custody Proceedings. Revise form JV-101A, Additional Children Attachment Juvenile Dependency Petition, to add ICWA inquiry content for each child.

Out of Cycle/Early Implementation: *If requesting July 1 effective date or out of cycle, explain why:*

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

(11/1/24)

- **Director Approval** (required for all invitations to comment and reports)

This report or invitation to comment was:

reviewed by EGG on *(date)* 12/27/2024

approved by Office Director (or Designee) *(name)* Audrey Fancy
on *(date)*

If either of above not checked, explain why:

Complete the following for all reports to be submitted to council (optional for ITCs):

- **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 report 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

SPR-30

Title	Action Requested
Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding	Review and submit comments by May 23, 2025
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457	January 1, 2026
	Contact
	Ann Gilmour, 415-865-4207 ann.gilmour@jud.ca.gov
Proposed by	
Family and Juvenile Law Advisory Committee	
Hon. Tari L. Cody, Cochair	
Hon. Stephanie E. Hulse, Cochair	
Tribal Court–State Court Forum	
Hon. Abby Abinanti, Cochair	
Hon. Joyce D. Hinrichs, Cochair	

Executive Summary and Origin

To implement new legislation and recent case law regarding the Indian Child Welfare Act and foster-care placement in juvenile cases, the Family and Juvenile Law Advisory Committee and the Tribal Court–State Court Forum propose amending four rules of court and revising 22 forms. This proposal responds to Assembly Bill 81 (Stats. 2024, ch. 656 (Ramos)), which addressed the implementation of the Indian Child Welfare Act (25 U.S.C. §§ 1901 et. seq.), including ICWA inquiry, and Assembly Bill 2929 (Stats. 2024, ch. 845 (Carillo)), which addressed family finding in juvenile dependency cases. The proposal also responds to two recent decisions from the Supreme Court of California—*In re. Kenneth D.*, 16 Cal.5th 1087, 324 Cal.Rptr.3d 259 and *In*

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.

re. Dezi C. 16 Cal.5 1112—concerning ICWA inquiry. The proposal would also correct several technical issues in the rules and forms.

Background

When a child and family encounter the child welfare system, the court and the agency must follow specific obligations and requirements. These include the requirement under state and federal statutes to identify kin who can provide family support and potential placement should children need to be removed from their homes, and to identify Indian children so their tribes can be notified and the requirements of ICWA and implementing state law can be fulfilled. Recent legislative changes to both these “family finding” and ICWA inquiry requirements as well as recent case law regarding ICWA inquiry require changes to various Judicial Council forms. Many of the Judicial Council forms used to document ICWA inquiry and family finding are the same. Because they involve the same forms, the two issues were combined into one proposal.

To fulfill the requirement to identify Indian children, California law imposes on local agencies and courts an affirmative and continuing duty to inquire of various individuals, including extended family members contacted by or available to the agency or court throughout the life of a case, whether the child is or may be an Indian child.¹ The nature and extent of ICWA inquiry was revised by the Legislature effective 2019 by Assembly Bill 3176.² The Judicial Council implemented AB 3176 by adopting a new rule of court, amending several other rules, adopting several new forms, and revising several other forms.³

Following the implementation of AB 3176, appeals related to ICWA inquiry increased substantially based on claims that the inquiry of available extended family members throughout the life of a case was inadequate. Issues in these appeals, including the consequences of a failure to inquire of available extended family members, were eventually decided by the California Supreme Court in a pair of decisions: *In re. Kenneth D.* and *In re. Dezi C.* In these decisions, the court stressed the need for robust and thorough evidence of ICWA inquiry throughout the life of a case and for the trial court to make fact-specific findings about the child’s Indian status and the adequacy of ICWA inquiry that are grounded in the record.

In AB 81, the Legislature recently made further changes to the ICWA inquiry requirements in section 224.2 of the Welfare and Institutions Code.⁴ AB 2929 strengthened the family finding and engagement requirements in all juvenile dependency cases by requiring the agency to present evidence at all review hearings that the agency has continued its efforts to locate any

¹ See Welfare and Institutions Code section 224.2.

² Assem. Bill 3176 (Waldron); Stats. 2018, ch. 833, https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176.

³ Judicial Council of Cal., Advisory Com. Rep., *Indian Child Welfare Act (ICWA): Implementation of AB 3176 for Indian Children* (Sept. 5, 2019), item 19-195, <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>.

⁴ All further code references are to the California Welfare and Institutions Code unless otherwise stated.

relatives, extended family members, or nonrelative extended family members (also defined as kin) who could provide family support or possible placement of the child, and the results of those efforts.

The Proposal

The proposal is urgently required to respond to recent changes in the law and recent case decisions. The proposal would ensure ICWA inquiry is more thoroughly documented and addressed throughout the life of a case and would add the required language and findings with respect to family finding as set out in AB 2929. The proposal would do the following:

- Amend California Rules of Court, rule 5.481(a)(2)⁵ regarding who must be asked if they have information that the child is or may be an Indian child to include “other party” and to change “and all other participants in any dependency case ...” to “and all other interested persons present in any dependency case ...”; to add the words “on the record” to the end of that paragraph; and to change the term “participant” in subdivision (a)(2)(A) to “party or other interested person”, and the words “or may be” between “knows or has reason to the child is” and “an Indian child.” These changes are required to conform to the recent revisions to section 224.2(c). In addition, the proposal would add to subdivision (a)(4)(B) language clarifying that contacting the Bureau of Indian Affairs (BIA) and California Department of Social Services (CDSS) for assistance should occur only if the contacting entities—after interviewing the parents, Indian custodian, and extended family members—still require assistance in identifying or contacting tribes. This language is proposed in response to comments from the BIA and the CDSS that they routinely have agencies contact them without having first interviewed available family members. Without the family background information, the BIA and the CDSS will not conduct these interviews and cannot assist with locating and contacting tribes (the assistance they are mandated to provide). Finally, there would be a technical amendment to (a)(4)(C) to correct a code reference.
- Amend rule 5.668(c) to make the language regarding ICWA inquiry consistent with the new language in section 224.2 regarding asking each party or other interested person present who has not previously been asked and making this inquiry on the record.
- Amend rule 5.708(b)(1) to require that the report discuss all efforts the agency has made to comply with its ICWA inquiry duty and add new paragraph (b)(4) to state that the court must make a finding as to whether the agency has fulfilled its duty of ICWA inquiry.
- Amend rule 5.725 to require in subdivision (c), governing reporting requirements, evidence of ICWA inquiry efforts throughout the life of the case and to add a paragraph under subdivision (d), conduct of the hearing, to require the court to make a finding as to

⁵ All further rule references are to the California Rules of Court unless otherwise stated.

whether the agency has fulfilled its duty of ICWA inquiry under the holdings of the California Supreme Court in *Kenneth D.* and *Dezi C.* These cases clarify that there must be robust evidence of ICWA inquiry throughout the life of the case and findings by the court on ICWA inquiry and ICWA status that are grounded in the record. Also, a technical change would update a rule reference in subdivision (g).

- Revise *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO) to clarify and explain the ongoing duty of inquiry of extended family members and make technical corrections regarding when notice must be provided to the Secretary of the Interior.
- Revise *Indian Child Inquiry Attachment* (form ICWA-010(A)) to clarify what must be asked of the individuals questioned.
- Revise *Parental Notification of Indian Status* (form ICWA-020) to clarify that the inquiry is related to relatives and lineal ancestors of the *child*, rather than the parent, Indian custodian, or guardian.
- Revise *Additional Children Attachment* (form JV-101(A)) by reformatting it to ensure that ICWA inquiry is documented for each individual child and removing the reference to gender in item 4e, which is not required by statute.
- Revise *Orders Under Welfare and Institutions Code Sections 366.24, 266.26, 727.3, 727.31* (form JV-320), which is used to document the findings and orders at a permanency hearing, to add a required finding as to the sufficiency of ICWA inquiry throughout the life of the case and to fix a typographical error at item 19(b)(3) by changing the first word from “an” to “a.”
- Revise *Continuance—Dependency Detention Hearing* (form JV-405) to correct the name of the hearing in item 2 from “dispositional” to “detention,” change existing item 12b to 12a(2), renumber the subitems in 12, modify renumbered item 12b to include language that the court has reviewed evidence of ICWA inquiry submitted for the hearing, remove the finding in original item 12c(2)(a) that ICWA does not apply, and add language in item 12c(4) that ICWA applies when the court makes a finding that the child is an Indian child.
- Revise *Findings and Orders After Detention Hearing* (form JV-410) to add a new item 9 ordering the county agency to make diligent efforts to locate and evaluate appropriate kin, add an instruction to the ICWA status language in renumbered item 11 to clarify that the court must choose one of the alternative findings, add a new sentence to renumbered item 11a ordering the county agency to continue to inquire about the child’s Indian status, and delete the language in renumbered item 11b(1) that ICWA does not apply.

- Revise *Findings and Orders After Jurisdictional Hearing* (form JV-412) to update the language in item 5 regarding ICWA inquiry and status.
- Revise *Findings and Orders After Dispositional Hearing* (form JV-415) to move current item 5, which addresses ICWA status, into item 7, ICWA Inquiry; renumber the remaining items; and delete the language in original item 8d(1) finding that ICWA does not apply unless new information is received and add language requiring the agency to continue its ICWA inquiry efforts.
- Revise *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421) to enhance the language regarding ICWA inquiry and status by adding item 4 and include the family finding requirements in renumbered item 8 regarding.
- Revise *Findings and Orders After Six-Month Status Review Hearing* (form JV-430) to include language about continuing ICWA inquiry.
- Revise *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432) to add language concerning family finding and engagement as item 14.
- Revise *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433) to add as new item 15 language regarding family finding and engagement and to require in renumbered item 18(c) that the report that the agency is required to prepare for the permanency hearing include evidence of ICWA inquiry throughout the life of the case.
- Revise *Findings and Orders After 12-Month Permanency Hearing* (form JV-435) to include language about continuing ICWA inquiry.
- Revise *Twelve-Month Permanency Attachment: Reunification Services Continued* (form JV-437) to add language concerning family finding and engagement.
- Revise *Twelve-Month Permanency Attachment: Reunification Services Terminated* (form JV-438) to add language regarding family finding and engagement and to require that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case.
- Revise *Findings and Orders After 18-Month Permanency Hearing* (form JV-440) to delete existing item 4 concerning ICWA status and replace it with new item 6 to include language about continuing ICWA inquiry and ICWA status findings.
- Revise *Eighteen-Month Permanency Attachment: Reunification Services Terminated* (form JV-442) to add language regarding family finding and engagement and to require that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case.

- Revise *Eighteen-Month Permanency Attachment: Reunification Services Continued* (form JV-443) to add language concerning family finding and engagement.
- Revise *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (form JV-446) to add language about family finding and engagement.
- Revise *Findings and Orders After 24-Month Permanency Hearing* (form JV-455) to delete existing item 4 concerning ICWA status and replace it with new item 6 to include language about continuing ICWA inquiry and ICWA status findings.
- Revise *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated* (form JV-457) to require the county agency to include evidence of ICWA inquiry in its report for the permanency hearing and to add language about family finding and engagement.

Alternatives Considered

The committees considered whether the issues could be addressed through training rather than changes to rules and forms, but concluded that because the existing rules and forms no longer accurately reflect the requirements of statutory and case law, amendments to rules and revisions to forms were necessary.

Fiscal and Operational Impacts

There will be costs associated with updating the forms and findings and orders templates in court systems and training court staff on the new requirements. There should also be substantial savings as a result of fewer ICWA inquiry appeals.

Request for Specific Comments

In addition to comments on the proposal as a whole, the committees are interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the information sought in the forms ICWA-010(A) and ICWA-020 helpful and complete?

The advisory committees also seek 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. Cal. Rules of Court, rules 5.481, 5.668, 5.708, and 5.725, at pages 8–12
2. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457, at pages 13–111

Rules 5.481, 5.668, 5.708 and 5.725 of the California Rules of Court would be amended, effective January 1, 2026, to read:

1 **Rule 5.481. Inquiry and notice**

2
3 **(a) Inquiry**

4
5 * * *

6
7 (1) * * *

8
9 (2) At the first appearance by a parent, Indian custodian, ~~or~~ guardian, or other
10 party and all other ~~participants~~ interested persons present in any dependency
11 case; or in juvenile wardship proceedings in which the child is at risk of
12 entering foster care or is in foster care; or at the initiation of any
13 guardianship, conservatorship, proceeding for custody under Family Code
14 section 3041, proceeding to terminate parental rights, proceeding to declare a
15 child free of the custody and control of one or both parents, preadoptive
16 placement, or adoption proceeding; and at each hearing that may culminate in
17 an order for foster care placement, termination of parental rights, or
18 preadoptive placement or adoptive placement as described in Welfare and
19 Institutions Code section 224.1(d)(1), or that may result in an order for
20 guardianship, conservatorship, or custody under Family Code section 3041,
21 the court must on the record:

22
23 (A) Ask each ~~participant party~~ participant party or interested person present whether the
24 ~~participant party~~ participant party or other interested person knows or has reason to
25 know the child is or may be an Indian child;

26
27 (B) Instruct the parties to inform the court if they subsequently receive
28 information that provides reason to know the child is or may be an
29 Indian child; and

30
31 (C) * * *

32
33 (3) * * *

34
35 (4) If the social worker, probation officer, licensed adoption agency, adoption
36 service provider, investigator, or petitioner knows or has reason to know or
37 believe that an Indian child is or may be involved, that person or entity must
38 make further inquiry as soon as practicable by:

39
40 (A) Interviewing the parents, Indian custodian, and “extended family
41 members” as defined in 25 United States Code section 1903, to gather

1 the information listed in Welfare and Institutions Code section
2 224.3(a)(5), Family Code section 180(b)(5), or Probate Code section
3 1460.2(b)(5);
4

5 (B) Based on the information gathered under (a)(4)(A), contacting the
6 Bureau of Indian Affairs and the California Department of Social
7 Services for assistance in identifying the names and contact information
8 of the tribes in which the child may be a member or eligible for
9 membership if the agency has been unable to make contact with such
10 tribes; and
11

12 (C) Contacting the tribes and any other person who reasonably can be
13 expected to have information regarding the child’s membership status
14 or eligibility. These contacts must at a minimum include the contacts
15 and sharing of information listed in Welfare and Institutions Code
16 section 224.2(e)~~(3)~~(2)(C).
17

18 (5) * * *

19
20 (b)–(c) * * *

21
22 **Rule 5.668. Commencement of hearing—explanation of proceedings (§§ 316, 316.2)**
23

24 (a)–(b) * * *

25
26 (c) **Indian Child Welfare Act inquiry (§ 224.2(c) & (g))**
27

28 (1) At the first appearance in court of each party or other interested person, the
29 court must ask ~~each participant present at the hearing~~ on the record whether:
30

31 (A)–(D) * * *

32
33 (2) The court must also instruct all parties to inform the court if they
34 subsequently receive information that provides reason to know the child is or
35 may be an Indian child and order the parents, Indian custodian, or guardian, if
36 available, to complete *Parental Notification of Indian Status* (form
37 ICWA-020).
38

39 (3)–(4) * * *

40
41 (d) * * *

1 **Rule 5.708. General review hearing requirements**

2
3 (a) * * *

4
5 (b) **Reports (§§ 366.05, 366.1, 366.21, 366.22, 366.25, 16002)**

6
7 * * *

8
9 (1) The report must include:

10
11 (A)–(B) * * *

12
13 (C) A factual discussion of each item listed in sections 366.1 and 366.21(c);
14 ~~and~~

15
16 (D) A factual discussion of the information required by section 16002(b);
17 and

18
19 (E) A discussion of all efforts the agency has made to comply with the
20 affirmative and continuing duty to inquire whether the child is or may
21 be an Indian child, including evidence that inquiry in accordance with
22 section 224.2 has been made of any parent or extended family members
23 contacted by the agency.

24
25 (2) * * *

26
27 (3) The court must read and consider, and state on the record that it has read and
28 considered, the report of the social worker, the report of any CASA
29 volunteer, the case plan submitted for the hearing, any report submitted by
30 the child’s caregiver under section 366.21(d), and any other evidence.

31
32 (4) The court must make a finding as to whether the agency has fulfilled its
33 affirmative and continuing duty to inquire whether the child is or may be an
34 Indian child.

35
36 (c)–(k) * * *

37
38 **Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.31)**

39
40 (a)–(b) * * *

41
42 (c) **Report**

1 Before the hearing, petitioner must prepare an assessment under section 366.21(i)
2 including evidence that the agency has, throughout the life of the case, fulfilled its
3 affirmative and continuing duty to inquire whether the child is or may be an Indian
4 child. At least 10 calendar days before the hearing, the petitioner must file the
5 assessment, provide copies to each parent or guardian and all counsel of record, and
6 provide a summary of the recommendations to the present custodians of the child,
7 to any CASA volunteer, and to the tribe of an Indian child.
8

9 **(d) Conduct of hearing**

10
11 At the hearing, the court must state on the record that the court has read and
12 considered the report of petitioner, the report of any CASA volunteer, the case plan
13 submitted for this hearing, any report submitted by the child’s caregiver under
14 section 366.21(d), and any other evidence, and must proceed under section 366.26
15 and as follows:
16

17 (1) Make a finding as to whether:

18
19 (A) The court and the agency have fulfilled their affirmative and continuing
20 duty throughout the life of the case to inquire whether the child is or
21 may be an Indian child;
22

23 (B) The record contains evidence of such inquiry, including evidence of
24 inquiry of the parents, guardians, Indian custodian, and other available
25 extended family members contacted by the court or the agency
26 throughout the life of the case; and
27

28 (C) Based on that inquiry and evidence, there is reason to believe or know
29 the child may be an Indian child.
30

31 ~~(1)~~(2) * * *

32
33 ~~(2)~~(3) * * *

34
35 ~~(3)~~(4) * * *

36
37 ~~(4)~~(5) * * *

38
39 (e)–(f) * * *

40
41 **(g) Advisement of appeal rights**
42

1 The court must advise all parties of their appeal rights as provided in rule 5.585590
2 and section 366.26(1).

**INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT AND
NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD**

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Form ICWA-010(A), *Indian Child Inquiry Attachment*

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment*. This is important because if the child is or may be an Indian child, specific steps must be taken to gather family background information, contact the child's tribe, and prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out form ICWA-010(A), Indian Child Inquiry Attachment

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
 - a. Do they think the child might be a member of a tribe or eligible for tribal membership, and if they think the child might be, then which tribe or tribes?
 - b. Are the parents or other members of the extended family members of a tribe, and if they think they might be, which tribe or tribes?
 - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
 - f. Do they have any other information indicating the child is an Indian child?
3. If you are in touch with any of the child's relatives or extended family members throughout the life of the case, ask them the same questions and let the court know whom you have asked and what they said.

The court clerk's office cannot file your petition unless you have filled out form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must gather as much family background information as you can and contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership or eligibility for membership, as well as information on the current status of the child and the case.

Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, if at any time throughout the life of the case you know or have reason to know the child is an Indian child, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Some tips to help you figure out if you have a reason to know the child is an Indian child

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

(continued on next page)

You have reason to know (*continued*):

3. If the child is or has been a ward of the tribal court; or
4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There may also be other information that would give you reason to know that the child is an Indian child.

Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

Tips on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see [25 Code of Federal Regulations § 23.12](#)) a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at bia.gov/bia/ois/dhs/icwa.

Copy to the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs and Secretary of the Interior

If you do **not** know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the *Notice* and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825 and to the Secretary of the Interior, 1849 C Street, NW, Washington DC 20240. To help establish the child's tribal identity, you must have completed your further inquiry of available extended family members before contacting the Bureau of Indian Affairs and Secretary of the Interior and provide as much information as possible, including the child's name, birthdate, and birthplace; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

How do you send the *Notice* and prove to the court that you have done so?

If you have an attorney, the attorney will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the *Notice*, but you must deliver copies of the *Notice* and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then complete step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed *Notice* (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A);
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

1. Name of child:

2. (Check one)

I have not yet been able to complete the inquiry about the child's Indian status because:

I understand that I have an affirmative and continuing duty to complete this inquiry. I will do it as soon as possible and advise the court of my efforts.

I have asked or I am advised by: _____ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. Each of these persons was asked whether they had any information that the child or the child's parents were affiliated with an Indian tribe, lived on tribal lands, or had ancestors who were members of an Indian tribe. The person(s) questioned are:

Name:	Name:
Address:	Address:
City, state, zip:	City, state, zip:
Telephone:	Telephone:
Date questioned:	Date questioned:
Relationship to child:	Relationship to child:

Additional persons questioned and their information is attached. *(Form MC-020 may be used for this purpose.)*

3. This inquiry *(check one)*

gave me reason to believe the child is or may be an Indian child. *(If yes, continue to 4.)*
 gave me no reason to believe the child is or may be an Indian child.

4. I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or eligible for membership in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.

5. Based on inquiry and tribal contacts *(check all that apply)*

- a. the child is or may be a member of or eligible for membership in a tribe.
 Name of tribe(s): _____
 Location of tribe(s): _____
- b. the child's parents, grandparents, or great-grandparents are or were members of a tribe.
 Name of tribe(s): _____
 Location of tribe(s): _____
- c. the residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- d. the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
- e. the child is or has been a ward of a tribal court.
 Name of tribe(s): _____
 Location of tribe(s): _____
- f. either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.
 Name of tribe(s): _____
 Location of tribe(s): _____

CHILD'S NAME:	CASE NUMBER:
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6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602,
- the child is in foster care.
 - it is probable the child will be entering foster care.

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

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NUMBER: 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 ICWA-020.v8.022425.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
PARENTAL NOTIFICATION OF INDIAN STATUS	CASE NUMBER:

To the parent, Indian custodian, or guardian of the above named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.

1. Name:
2. Relationship to child: Parent Indian custodian Guardian Other:

Indian status

3. a. I am or may be a member of, or eligible for membership in, a federally recognized Indian tribe.
 Name of tribe(s) (name each):
 Location of tribe(s):
- b. The child is or may be a member of, or eligible for membership in, a federally recognized Indian tribe because (state why you think the child is affiliated with the tribe):
 Name of tribe(s) (name each):
 Location of tribe(s):
- c. One or more of the child's parents, grandparents, or other lineal ancestors is or was a member of a federally recognized tribe.
 Name of tribe(s) (name each):
 Location of tribe(s):
 Name and relationship of ancestor(s):
- d. I am a resident of or am domiciled, live, or has lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- e. The child is a resident of or is domiciled, lives, or has lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.
- f. The child is or has been a ward of a tribal court of the: _____ tribe.
- g. Either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.
 Name of tribe(s) (name each):
 Membership or citizenship number (if any):
- h. None of the above apply.

4. A previous form ICWA-020 has has not been filed with the court.

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

Date: _____

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE)

Note: This form is not intended to constitute a complete inquiry into Indian heritage. Additional inquiry may be required by the Indian Child Welfare Act.

CHILD'S NAME:	CASE NUMBER:
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4. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable boxes; see attachment 3a for concise statements of facts</i>): <input type="checkbox"/> (a) <input type="checkbox"/> (b)(1) <input type="checkbox"/> (b)(4) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)		
b. Child's name:	c. Age:	d. Date of birth:
<input type="checkbox"/> Information is the same as that given for the child in item 1. (<i>If not the same, provide different information below.</i>)		
e. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	
g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. <i>Other (state name, address, and relationship to child):</i> <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.	
i. Prior to intervention, child resided with <input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> guardian (<i>name</i>): <input type="checkbox"/> Indian custodian (<i>name</i>): <input type="checkbox"/> <i>other (state name, address, and relationship to child)</i> :	j. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention (<i>address</i>): <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other	
k. Indian Child Welfare Act Inquiry (<i>check one</i>) (1) <input type="checkbox"/> I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (2) <input type="checkbox"/> On information and belief, I am aware that inquiry has been completed by (<i>insert name</i>) and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (3) <input type="checkbox"/> Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)), and submit it to the court as soon as possible.		

CHILD'S NAME:	CASE NUMBER:
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5. a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (*check applicable boxes; see attachment 3a for concise statements of facts*):

(a)
 (b)(1)
 (b)(4)
 (c)
 (d)
 (e)
 (f)
 (g)
 (h)
 (i)
 (j)

b. Child's name:	c. Age:	d. Date of birth:
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Information is the same as that given for the child in item 1. (*If not the same, provide different information below.*)

<p>e. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown</p> <p>If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>	<p>f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown</p> <p>If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>
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<p>g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown</p> <p>If mother or father (<i>check all that apply</i>): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged</p>	<p>h. Other (<i>state name, address, and relationship to child</i>):</p> <p><input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.</p>
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<p>i. Prior to intervention, child resided with</p> <p><input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> parent (<i>name</i>): <input type="checkbox"/> guardian (<i>name</i>): <input type="checkbox"/> Indian custodian (<i>name</i>): <input type="checkbox"/> other (<i>state name, address, and relationship to child</i>):</p>	<p>j. Child is</p> <p><input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention (<i>address</i>):</p> <p><input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other</p>
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k. Indian Child Welfare Act Inquiry (*check one*)

(1) I have asked as to whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member, and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.

(2) On information and belief, I am aware that inquiry has been completed by (*insert name*) and the *Indian Child Inquiry Attachment* (form ICWA-010(A)) is attached.

(3) Inquiry about whether the child is or may be a member of an Indian tribe or eligible for membership and the biological child of a member has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)), and submit it to the court as soon as possible.

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 JV-320.v10.022425.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.24, 366.26, 727.3, 727.31	CASE NUMBER:

Child's Name:	Date of birth:	Age:
Parent's name (if known):		
Parent's name (if known):		
Parent's name (if known):		

1. a. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
 b. Judicial officer: _____
 c. Parties and attorneys present: _____

2. The court has read and considered the assessment prepared under Welf. & Inst. Code, §§ 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the
 social worker probation officer and other evidence.

3. The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. Notice has been given as required by law.
- b. (1) The court has reviewed filed *Parental Notification of Indian Status* (form ICWA-020), evidence taken at earlier hearings, and reports and evidence filed by the agency. The court finds that the court and the agency have fulfilled their affirmative and ongoing duty of inquiry to determine whether the child is or may be an Indian child throughout the life of the case, including interviewing available extended family members, and that there is no reason to believe or know that the child may be an Indian child.
- (2) This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welf. & Inst. Code, § 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.

CHILD'S NAME:	CASE NUMBER:
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5. For a child 10 years of age or older who is not present,
- a. the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
 - b. the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present, and
 - (1) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
 - (2) it is in the best interest of the child not to continue the hearing.

6. The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.

7. The court previously made a finding denying or terminating reunification services, under Welf. & Inst. Code, §§ 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
- parent (name):
 - parent (name):
 - parent (name):

8. a. The court finds, by clear and convincing evidence, that it is likely the child will be adopted.
- b. The child is an Indian child or there is reason to know that the child is an Indian child, and
- (1) the court has heard and considered all relevant, admissible evidence, including
 - (A) qualified expert witness testimony provided by (name of witnesses) and
 - (B) evidence regarding the prevailing social and cultural practices of the child's tribe; and
 - (2) the court finds beyond a reasonable doubt that continued physical custody by the mother father Indian custodian Other (name and relationship to child): Other (name and relationship to child): is likely to result in serious emotional or physical damage to the child.

9. The parental rights of
- a. parent (name):
 - b. parent (name):
 - c. parent (name):
 - d. alleged fathers (names):
 - e. unknown mother all unknown fathers
- are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- f. **The adoption is likely to be finalized by (date):**
 (If item 9 is completed, skip items 10–18 and go directly to item 19.)

10. This case involves an Indian child. The parental rights of
- a. parent (name):
 - b. parent (name):
 - c. parent (name):
 - d. Indian custodians (names):
 - e. alleged fathers (names):
 - f. unknown mother all unknown fathers
- are modified in accordance with the tribal customary adoption order of the (specify): _____ tribe, dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein. The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
 (If item 10 is completed, skip items 11–18 and go directly to item 19.)

CHILD'S NAME:	CASE NUMBER:
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11. The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. *(If item 11 is checked, skip items 12–14 and go directly to item 15 (guardianship).)*

12. Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship), 16 (permanent placement with a relative) or 17 (continued foster care).)*

- a. The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
- b. The child is 12 years of age or older and objects to termination of parental rights.
- c. The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
- d. The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.

NOTE: Do not check item 12d if the child is either

- (1) under the age of 6; or
- (2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.

- e. There would be substantial interference with the child's sibling relationship.
- f. The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to the following:
 - (1) Termination of parental rights would substantially interfere with the child's connection to the tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.

13. Termination of parental rights would not be detrimental to the child, but the child is difficult to place for adoption and there is no identified or available prospective adoptive parent for the child because the child *(check the applicable reason or reasons below and complete item 14)*

- a. is a member of a sibling group that should stay together.
- b. has a diagnosed medical, physical, or mental disability.
- c. is 7 years of age or older.

14. a. Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:

(Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15–18, and go directly to item 19.)

- b. Visitation between the child and
 - (1) parent *(name)*:
 - (2) parent *(name)*:
 - (3) legal guardian *(name)*:
 - (4) Other *(name)*:
 is scheduled as follows *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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14. c. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.

15. The child's permanent plan is legal guardianship.
 (Name):
is appointed guardian of the child's person and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until the *Letters* have issued.
(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16–18 and go directly to item 19.)

- a. Visitation between the child and
- (1) parent *(name)*:
 - (2) parent *(name)*:
 - (3) legal guardian *(name)*:
 - (4) Other *(name)*:
is scheduled as follows *(specify)*:

b. Visitation between the child and *(names)*:
is detrimental to the child's physical or emotional well-being and is terminated.

c. Dependency Wardship jurisdiction is terminated.
(If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.)

The juvenile court retains jurisdiction over the guardianship under Welf. & Inst. Code, § 366.4 or § 728(e).

d. Dependency Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by *(date)*:

16. The child's permanent plan is permanent placement with *(name)*: _____, a fit and willing relative,
subject to the periodic review of the juvenile court under Welf. & Inst. Code, § 366.3 or § 727.2.
The likely date by which the child's permanent plan will be achieved is *(specify date)*: _____
(If item 16 is checked, skip item 17, provide for visitation in item 18, as appropriate, and go to item 19.)

17. The child remains placed in foster care with *(name of placement)*:

- a. with a permanent plan of *(check one)*:
- (1) returning home.
 - (2) adoption.
 - (3) tribal customary adoption.
 - (4) legal guardianship.
 - (5) placement with a fit and willing relative.
- b. The child is 16 years of age or older and no other permanent plan is appropriate at this time. The child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home. establish a legal guardianship.
 - place for adoption. place with a fit and willing relative.
 - Other *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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17. c. The barriers to achieving the permanent plan in items 17a and 17b are:

d. The child, if 10 years of age or older, has identified the following individuals, other than the child's siblings, who are important to the child (*specify*):

e. **The child's permanent plan is likely to be achieved by (date):**

(If item 17 is checked, provide for visitation in item 18, as appropriate, and go to item 19.)

18. The child is permanently placed with a relative or remains placed in foster care (*if item 16 or 17 is checked*).

a. Visitation between the child and

(1) parent (*name*):

(2) parent (*name*):

(3) legal guardian (*name*):

(4) Other (*name*):

is scheduled as follows (*specify*):

b. Visitation between the child and (*names*):

is detrimental to the child's physical or emotional well-being and is terminated.

19. The child is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because

a. the permanent plan is not adoption, and (*check one*)

(1) the child is placed with a member of the child's extended family, as defined by Welf. & Inst. Code, § 224.1(c); or

(2) a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

(3) a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

(4) a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

(5) the child is placed in accordance with the preferences established by the tribe; or

(6) the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

b. the permanent plan is adoption, and (*check one*)

(1) the child is placed with a member of the child's extended family; or

(2) a diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or

(3) a diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or

CHILD'S NAME:	CASE NUMBER:
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19. b. (4) the child is placed in accordance with the preferences established by the tribe; or
 (5) the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
20. The child's placement is necessary.
21. The child's placement is appropriate.
22. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
23. The child is missing or has run away from placement. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
24. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
25. The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
26. The child is an Indian child, and active efforts, as detailed in the record, were were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
 If active efforts were made, those efforts have proved successful unsuccessful.
27. The child is 14 years of age or older, and
- the services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - the services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - to assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:
28. The child remains a dependent ward of the court. *(Do NOT check this item if item 15c is checked.)*
29. All prior orders not in conflict with this order remain in full force and effect.
30. Other *(specify)*:

CHILD'S NAME:	CASE NUMBER:
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31. Next hearing date: _____ Time: _____ Dept.: _____ Room: _____
- a. Continued hearing under Welf. & Inst. Code, § 366.26 for receipt of report on attempts to locate an appropriate adoptive family
 - b. Continued hearing under Welf. & Inst. Code, § 366.24(c)(6) for receipt of the tribal customary adoption order
 - c. Six-month postpermanency review
 - d. Other (*specify*): _____

32. The
- a. parent (*name*): _____
 - b. parent (*name*): _____
 - c. parent (*name*): _____
 - d. Indian custodian (*name*): _____
 - e. child
 - f. Other (*name*): _____
 - g. Other (*name*): _____
- have been advised of their appeal rights under California Rules of Court, rule 5.590.

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-405.v6.022425.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
CONTINUANCE—DEPENDENCY DETENTION HEARING	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (specify):
 filed on (date):

2. **Detention hearing**

- | | |
|---|--|
| a. Date:
b. Department:
c. Judicial officer (name):
d. Court clerk (name): | e. Court reporter (name):
f. Bailiff (name):
g. Interpreter (name and language): |
|---|--|

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

THE COURT FINDS AND ORDERS:

3. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
4. a. The child will not benefit from representation by an attorney, and for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.

CHILD'S NAME:	CASE NUMBER:
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5. A Court Appointed Special Advocate is appointed for the child.

6. **The court has informed and advised the**

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of:
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

7. The court has considered the information contained in

- a. the report of social worker dated:
- b. other (*specify*):
- c. other (*specify*):

and based on this information finds that continuance in the home is contrary to the child's welfare pending a further determination at the continued hearing.

8. The court grants the motion for continuance under **Welf. & Inst. Code, § 322** made by the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

9. A motion for continuance was made by the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

and good cause exists for granting the continuance in that

- a. notice of the date, time, and location of the hearing was not given to (*name*):
- b. the child did not receive proper notice of his or her right to attend the hearing.
- c. other (*specify*):

The motion for the continuance is granted.

CHILD'S NAME:	CASE NUMBER:
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10. **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms):
- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 - b. *Visitation Attachment: Sibling* (form JV-401).
 - c. *Visitation Attachment: Grandparent* (form JV-402).

11. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 - (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

12. ICWA inquiry

- a. On the record, the court has
 - (1) asked each participant present at the hearing
 - whether the participant is aware of any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or the Indian custodian is on a reservation or in an Alaska Native village and, if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
 - (2) instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.
- b. Based on this inquiry and a review of the evidence of ICWA inquiry submitted for the hearing, (check one)
 - (1) the court finds there is no reason to believe or reason to know the child is an Indian child. The agency is ordered to continue its inquiry to determine whether the child is or may be an Indian child and report back to the court on its efforts.
 - (2) the court finds there is reason to believe the child is an Indian child, and (check one)
 - (a) the record includes evidence that the agency has complied with Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
 - (b) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
 - (3) the court finds that there is reason to know that the child is an Indian child, and
 - (a) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
 - (b) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
 - (c) notice has been provided as required by law; and
 - (d) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
 - (4) the court finds that the child is an Indian child and a member of the: _____ tribe.
The Indian Child Welfare Act applies.

CHILD'S NAME:	CASE NUMBER:
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13. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

14. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

15. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

were provided with a *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete form ICWA-020 and to submit it to the court before leaving the courthouse today.

16. There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 of the for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

17. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

18. **Other findings and orders**

- a. See attached.
b. (*Specify*):

19. **All parties are ordered to return for the continued hearing:**

Hearing date:	Time:	Dept:	Room:
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20. **All prior orders not in conflict with this order remain in full force and effect.**

21. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

Countersignature for detention orders (*if necessary*):

Date: _____
JUDGE

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 JV-410.v11.022425.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DETENTION HEARING (Welf. & Inst. Code, § 319)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (specify):
 filed on (date):

2. Detention hearing

- | | |
|---|--|
| a. Date:
b. Department:
c. Judicial officer (name):
d. Court clerk (name): | e. Court reporter (name):
f. Bailiff (name):
g. Interpreter (name and language): |
|---|--|

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
- (2) Other (name):
- (3) Other (name):

3. The court has read and considered and admits the following into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Other (specify):
- d. Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For a child 10 years of age or older who is not present**
- (1) The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

CHILD'S NAME:	CASE NUMBER:
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4. b. (2) The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present, and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b) it is in the best interest of the child not to continue the hearing.
5. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a. The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. A Court Appointed Special Advocate is appointed for the child.

8. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

9. Family finding

The county agency is ordered to make diligent efforts to locate and evaluate appropriate kin to provide family support and serve as a resource placement.

10. ICWA inquiry

On the record, the court has

- a. asked each participant present at the hearing
- whether the participant is aware of any information indicating that the child is a member or citizen or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
- b. instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.

11. ICWA status (*check one*):

- a. The court finds there is no reason to believe or reason to know the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and report all inquiry efforts to the court.
- b. The court finds there is reason to believe the child is an Indian child; and

CHILD'S NAME:	CASE NUMBER:
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11. b. (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. The court finds that there is reason to know that the child is an Indian child, and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
- (3) notice has been provided as required by law; and
- (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. The court finds that the child is an Indian child and a member of the: _____ tribe.

12. ICWA jurisdiction

- a. It is known or there is reason to know that the child is an Indian child. The court finds (*check one*):
- (1) that it has jurisdiction over the proceeding because
- (a) the court finds that the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and
- (b) the court finds that the child is not already under the jurisdiction of a tribal court; or
- (2) the court finds that it does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or
- (3) the court finds that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with section 1922 of title 25 of the United States Code.

Advisements and waivers

13. The court has informed and advised the

- | | | | |
|--|--|---|--------------------------------|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> child |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian | |
| <input type="checkbox"/> Other (<i>specify</i>): | | | |
| <input type="checkbox"/> Other (<i>specify</i>): | | | |

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of
- the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.

CHILD'S NAME:	CASE NUMBER:
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- 13. c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on their own behalf.

14. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

15. **CHILD NOT DETAINED**

- a. Services that would prevent the need for further detention, including those set forth in item 17, are available.
- b. The child is returned to the custody of mother biological father legal guardian Other (specify):
 presumed father alleged father Indian custodian Other (specify):

16. **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare AND (*check at least one*)
 - (1) there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - (2) there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
 - (3) the child has left a placement in which they were placed by the juvenile court.
 - (4) the child has been physically abused by a person residing in the home and is unwilling to return home.
 - (5) the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child and family services agency pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated on the record.
- f. The facts on which the court bases its decision to order the child detained are stated on the record.
- g. The child is placed in
 - (1) the approved home of a relative.
 - (2) an emergency shelter.
 - (3) other suitable licensed place.
 - (4) a place exempt from licensure designated by the juvenile court.
 - (5) the approved home of a nonrelative extended family member as defined in Welf. & Inst. Code, § 362.7.
 - (6) a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for (date):
- h. Services, including those set forth in item 17, are to be provided to the family as soon as possible to reunify the child with their family.
- i. Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. Reasonable efforts were not made to prevent or eliminate the need for removal from the home.

CHILD'S NAME:	CASE NUMBER:
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16. k. There is a relative who is able, approved, and willing to care for the child.
- l. A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.

17. **CHILD DETAINED AND THERE IS REASON TO KNOW CHILD IS AN INDIAN CHILD**

- a. The evidence includes all of the requirements of Welf. & Inst. Code, § 319(b).
- b. As detailed in the record, the agency has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and these efforts have proved successful unsuccessful; or
- the agency has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c. For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d. The child's placement complies with the placement preferences set forth in Welf. & Inst. Code, § 361.31. The child is placed
- with a member of the child's extended family;
 - in a foster home licensed, approved, or specified by the child's tribe;
 - in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
- OR
- for the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

18. The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. <input type="checkbox"/> Alcohol and drug testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Substance abuse treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Parenting education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> (Specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. **Contact with the child is ordered as stated in (check appropriate boxes and attach indicated forms)**

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).*
- b. *Visitation Attachment: Sibling (form JV-401).*
- c. *Visitation Attachment: Grandparent (form JV-402).*

20. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

CHILD'S NAME:	CASE NUMBER:
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21. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

22. There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

23. **Other findings and orders**

- a. See attached.
b. (Specify):

24. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

25. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
---------------	-------	--------	-------

- a. Jurisdictional hearing
b. Dispositional hearing
c. Settlement conference
d. Mediation
e. Other (specify):

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

Countersignature for detention orders (if necessary):

Date: _____
JUDGE

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 JV-412.v11.022425.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER JURISDICTIONAL HEARING (Welf. & Inst. Code, § 356)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other(*specify*):
 filed on (*date*):

2. Jurisdictional hearing

- | | |
|---|---|
| a. Date:
b. Department:
c. Judicial officer (<i>name</i>):
d. Court clerk (<i>name</i>): | e. Court reporter (<i>name</i>):
f. Bailiff (<i>name</i>):
g. Interpreter (<i>name and language</i>): |
|---|---|

<u>h. Party (<i>name</i>):</u>	<u>Present</u>	<u>Attorney (<i>name</i>):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (<i>specify</i>):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*):
 - (2) Other (*name*):
 - (3) Other (*name*):

3. The court has read and considered and admits the following into evidence:

- a. Report of social worker dated:
- b. Report of CASA volunteer dated:
- c. Case plan dated:
- d. Other (*specify*):
- e. Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.

5. ICWA inquiry and status (check one):

- a. The court and the agency have inquired as to whether the child is or may be an Indian child, and there is no reason to believe or reason to know the child is an Indian child.
- b. There is reason to believe that the child is or may be an Indian child, and the agency is ordered to complete further inquiry to determine the child's Indian status and report to the court on the results of that further inquiry.
- c. The child is an Indian child or, There is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
6. The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. a. The child will not benefit from representation by an attorney, and for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
8. A Court Appointed Special Advocate is appointed for the child.
9. The child's county of residence is:

10. The child's date of birth is (*specify*):

11. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
 - (2) alleged parent (*name*):
 - (3) alleged parent (*name*):

Advisements and waivers

12. a. The petition was read to those present at the beginning of this jurisdictional hearing.
- b. Reading of the petition was waived by all those present at the beginning of this jurisdictional hearing.

CHILD'S NAME:	CASE NUMBER:
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13. The court has informed and advised the

- mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

14. On the motion of the petitioner, the following allegations are stricken:

15. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

16. The mother biological father legal guardian
 presumed father alleged father Indian custodian
 other (*specify*):

understands the nature of the conduct alleged in the petition and the possible consequences of his or her admission, plea of no contest, or submission.

CHILD'S NAME:	CASE NUMBER:
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17. <input type="checkbox"/> Party	Admits	Submits	Pleads no contest	To petition as amended on <i>(specify date):</i>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. <input type="checkbox"/> Alleged father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
e. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
f. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
g. <input type="checkbox"/> <i>(Specify):</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

18. There is a factual basis for the admission.

19. By a preponderance of the evidence, the allegations stated below are true:

- a. as stated in the petition as originally filed.
- b. as stated in the petition as amended on *(date)*:
 - (1) by agreement of the parties.
 - (2) by the court to conform to proof.

20. The allegations *(specify)*:

as stated in the petition as amended on *(date)*: are not proven and are ordered stricken.

21. The allegations of the petition are not sustained.

22. The petition is sustained under, and the child is a person described by, Welf. & Inst. Code, § 300 *(check all that apply)*:

- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <input type="checkbox"/> 300(a) | <input type="checkbox"/> 300(c) | <input type="checkbox"/> 300(e) | <input type="checkbox"/> 300(g) | <input type="checkbox"/> 300(i) |
| <input type="checkbox"/> 300(b) | <input type="checkbox"/> 300(d) | <input type="checkbox"/> 300(f) | <input type="checkbox"/> 300(h) | <input type="checkbox"/> 300(j) |

23. The previous disposition has not been effective in the protection of the child.

24. The county agency is ordered to immediately return the child to the
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> other <i>(specify)</i> : | | |

25. The child and the
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> legal guardian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> alleged father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> other <i>(specify)</i> : | | |

are placed under the supervision of the county agency for a minimum of six months under their voluntary agreement to informal supervision and the provision of services designed to keep the family together as stated in the family's case plan.

CHILD'S NAME:	CASE NUMBER:
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26. **Contact with the child is ordered as stated in** (*check appropriate boxes and attach indicated forms*)
- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 - b. *Visitation Attachment: Sibling* (form JV-401).
 - c. *Visitation Attachment: Grandparent* (form JV-402).

27. **All prior orders not in conflict with this order remain in full force and effect.**

28. **Other findings and orders:**
- a. See attached.
 - b. (*Specify*):

29. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. Dispositional hearing
- b. Settlement conference
- c. Mediation
- d. Other (*specify*):

30. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

31. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-415.v9.022625.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER DISPOSITIONAL HEARING (Welf. & Inst. Code, § 361 et seq.)	CASE NUMBER:

1. This matter came before the court on the
 original petition subsequent petition supplemental petition other (specify):
 filed on (date):

2. Dispositional hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

3. The court has read and considered and admits into evidence the following:

- a. Report of social worker dated:
- (1) For the purposes of establishing a guardianship, the report of the social worker includes an assessment as specified in Welf. & Inst. Code, §§ 360(a), 361.5(g).
 - (2) In the case of an Indian child, the report of the social worker includes
 - (a) evidence that the agency has has not provided affirmative, active, thorough, and timely efforts to prevent the breakup of the Indian family and make it possible for the child to be returned home, and these efforts have proved successful unsuccessful; and
 - (b) an assessment in consultation with the Indian child's tribe, as specified in Welf. & Inst. Code, § 358.1(j), whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

CHILD'S NAME:	CASE NUMBER:
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- 3. b. Report of CASA volunteer dated:
- c. Case plan dated:
- d. Other (specify):
- e. Other (specify):
- f. Testimony of qualified expert witness under the Indian Child Welfare Act

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

- 4. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of his or her right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- 5. A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
 - (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

7. ICWA inquiry

- a. The court finds that the social worker or probation officer has asked the child, if old enough, and his or her parents or legal guardians, and the following relatives: _____, whether there is information that _____ provides reason to know the child is an Indian child.
- b. The court, on the record, has asked the child, if old enough, and his or her parents or legal guardians, all participants in the proceedings, and the following relatives: _____, whether there is information _____ indicating the child is an Indian child.
- c. The parties were instructed to inform the court if they receive any information indicating that the child is an Indian child.
- d. The court finds that there is no reason to know that the child is an Indian child. **The agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court; or**
 The court finds that there is reason to know that the child is an Indian child; and
 - (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or eligible for membership to verify the child's status;
 - (2) notice has been provided as required by law; and
 - (3) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- e. **The court finds that the child is an Indian child and a member of the:** _____ **tribe.**

Advisements and waivers

8. The court informed and advised the

- mother
- biological father
- legal guardian
- child
- presumed father
- alleged father
- Indian custodian
- other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

CHILD'S NAME:	CASE NUMBER:
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9. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

10. **Sibling group**

The child and the child's siblings listed below form a sibling group in which at least one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.

Sibling (name):

- a.
b.
c.
d.
e.
f.

11. **Disposition is ordered as stated in** (check appropriate box and attach indicated form)

- a. *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))* (form JV-416), which is attached and incorporated by reference.
- b. *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)* (form JV-417), which is attached and incorporated by reference.
- c. *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))* (form JV-418), which is attached and incorporated by reference.
- d. *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-420), which is attached and incorporated by reference.
- e. *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-421), which is attached and incorporated by reference.

12. **The child's rights** under Welf. & Inst. Code, § 388 and the procedure for bringing a petition under Welf. & Inst. Code, § 388, including the availability of appropriate and necessary forms, were provided to the child as follows:

- a. Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. Child 12 years of age or older who was not present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)

13. **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

14. The child's medical, dental, mental health, and educational information required by Welfare and Institutions Code section 16010 was provided by the mother biological father legal guardian presumed father
 alleged father Indian custodian other (specify):

15. **All prior orders not in conflict with this order remain in full force and effect.**

CHILD'S NAME:	CASE NUMBER:
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16. **Other findings and orders**

- a. See attached.
- b. (Specify):

17. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Six-month permanency hearing (Welf. & Inst. Code, § 366.21(e))
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept:	Room:
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- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Other (specify):

18. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

19. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

CHILD'S NAME:	CASE NUMBER:
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**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. The child is a person described by Welf. & Inst. Code, § 300 (check all that apply)
- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| <input type="checkbox"/> 300(a) | <input type="checkbox"/> 300(c) | <input type="checkbox"/> 300(e) | <input type="checkbox"/> 300(g) | <input type="checkbox"/> 300(i) |
| <input type="checkbox"/> 300(b) | <input type="checkbox"/> 300(d) | <input type="checkbox"/> 300(f) | <input type="checkbox"/> 300(h) | <input type="checkbox"/> 300(j) |
- and is adjudged a dependent of the court.**

Circumstances justifying removal from custodial parent

2. There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (check all that apply):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. <input type="checkbox"/> Mother | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. <input type="checkbox"/> Presumed father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. <input type="checkbox"/> Biological father | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. <input type="checkbox"/> Legal guardian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. <input type="checkbox"/> Indian custodian | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. <input type="checkbox"/> Other (specify): | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

3. Reasonable efforts were were not made to prevent or eliminate the need for removal from the home.

ICWA status

4. The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds that there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.
5. The child is an Indian child, there is reason to know that the child is an Indian child, and
- qualified expert witness testimony was provided by _____ ; and
 - evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

<input type="checkbox"/> Mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> Other (specify):		
<input type="checkbox"/> Other (specify):		
6. The child is an Indian child, there is reason to know that the child is an Indian child, and as set out in detail in the record, and
- affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, utilizing the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - the active efforts have proved successful unsuccessful.

CHILD'S NAME:	CASE NUMBER:
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7. Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from (check all that apply)

- mother biological father legal guardian
 presumed father Indian custodian
 Other (specify):
 Other (specify):

Family finding and engagement

8. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date): _____ detailing the diligent efforts made and the results of such efforts.

Case plan development

9. a. The county agency solicited and integrated into the case plan the input of the child mother father representative of child's identified Indian tribe Other (specify):
 Other (specify):
- b. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe Other (specify):
 Other (specify):
and the agency is ordered to do so and submit an updated case plan within 30 days of the date of this hearing.
- c. The county agency did not solicit and integrate into the case plan the input of the child mother father representative of child's identified Indian tribe Other (specify):
 Other (specify):
and the county agency is not required to do so because these persons are unable, unavailable, or unwilling to participate.

Custody and placement

10. The mother presumed father biological father did not reside with the child at the time the petition was filed and does does not desire custody of the child.
- a. By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
 Mother Presumed father Biological father
- b. The factual basis for the findings in this item is stated on the record.
11. **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. in the approved home of a relative.
- b. in the approved home of a nonrelative extended family member.
- c. in the approved home of a resource family, as defined in Welf. & Inst. Code, § 16519.5 or a home that is pending approval under Welf & Inst. Code, § 16519.5(e)(1).
- d. with a foster family agency for placement in a foster family home.
- e. in a suitable licensed community care facility.
- f. in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 was held on or is set for (date): _____
12. **Placement with the child's relative, (name):** _____
has been independently considered by the court and is denied for the reasons stated on the record.
13. The child is an Indian child or there is reason to know the child is an Indian child. Currently (choose one)
- a. the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or

CHILD'S NAME:	CASE NUMBER:
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- 13. b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. the child is placed in accordance with the preferences established by the tribe; or
- f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

14. The child's out-of-home placement is necessary.

15. **The child's current placement is appropriate.**

16. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.

17. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.

18. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a. The matter is continued to the date and time indicated in form JV-415, item 18 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (specify):

19. For a child placed in short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(j) when determining the continuing necessity for and appropriateness of the placement.

20. **The child is placed outside the state of California, and that out-of-state placement**

- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is not the most appropriate placement for the child and is not in the best interest of the child.
 The matter is continued to the date and time indicated in form JV-415, item 18 for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (specify):

Reunification services

21. **Provision of reunification services to the biological father** will will not benefit the child.

22. **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.

- a. Participation in the program is is not in the child's best interest.
- b. The program is is not suitable to meet the needs of the mother and child.

23. The mother legal guardian Other(specify):
 presumed father Indian custodian Other(specify):

is incarcerated, and reasonable reunification services are

- a. granted.
- b. denied because, by clear and convincing evidence, providing reunification services would be detrimental to the child.

CHILD'S NAME:	CASE NUMBER:
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24. **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence,**

- a. the mother legal guardian Other (specify):
 presumed father Indian custodian Other (specify):

is a person described in Welf. & Inst. Code, § (choose all that apply)

- 361.5(b)(3) 361.5(b)(7) 361.5(b)(9) 361.5(b)(11) 361.5(b)(13) 361.5(b)(16)
 361.5(b)(4) 361.5(b)(8) 361.5(b)(10) 361.5(b)(12) 361.5(b)(15) 361.5(b)(17)

and reunification services are

- (1) granted because, by clear and convincing evidence reunification is in the best interest of the child.
 (2) denied.

- b. The mother legal guardian Other (specify):
 presumed father Indian custodian Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.

- c. The mother legal guardian Other (specify):
 presumed father Indian custodian Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are

- (1) granted.
 (2) denied because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.

- d. The mother legal guardian Other (specify):
 presumed father Indian custodian Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are

- (1) granted because
 (a) reunification services are likely to prevent reabuse or neglect.
 (b) the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
 (2) denied.

- e. The mother legal guardian
 presumed father Indian custodian
 other person who is a legal parent of the child (name):
 Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are

- (1) granted because by clear and convincing evidence reunification is in the best interest of the child.
 (2) denied because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
 (3) The factual basis for the findings in this item is stated on the record.

- f. The mother legal guardian Other (specify):
 presumed father Indian custodian Other (specify):

is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed *Waiver of Reunification Services* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.

- g. **The county agency must provide reunification services,** and the following must participate in the reunification services stated in the case plan:

- Mother Biological father Presumed father Other (specify):
 Indian custodian Legal guardian Other (specify):

25. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (specify):

CHILD'S NAME:	CASE NUMBER:
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Efforts

26. The county agency has has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete any steps necessary to finalize the permanent placement of the child.

27. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
<input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Siblings

28. The child does not have siblings under the court's jurisdiction.

- 29. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.

Health and education

30. The mother biological father Indian custodian
 presumed father legal guardian Other (specify):
 Other (specify):

is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

31. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are
- a. stated in the social worker's report.
 - b. specified here:

32. The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

33. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

- 34. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

35. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:

- a. Social worker
- b. Parent (name):

CHILD'S NAME:	CASE NUMBER:
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35. c. Surrogate parent (*name*):
d. Educational representative (*name*):
e. Other (*name*):
36. The child's education placement has changed since the date the child was physically removed from the home.
a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
b. The child is enrolled in school.
c. The child is attending school.
37. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
(1) an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
(2) the name of the support person(s) to assist the child is:
the support person's relationship(s) to the child is:
(3) an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
(4) to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
(a) stated on the record.
(b) as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
38. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
39. **Child 14 years of age or older**
a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
(1) stated on the record.
(2) as follows:

Advisements

40. Child under three years of age on the date of initial removal from the physical custody of the child's parent or guardian, or for a child in a sibling group whose members were removed from parental custody at the same time, and in which one member of the sibling group was under three years of age on the date of initial removal from the physical custody of the child's parent or guardian.
- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).
- Six-month hearing date:**
- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:

CHILD'S NAME:	CASE NUMBER:
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40. b.
 - Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.

c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

41. **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:
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42. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(g)(10) of the California Rules of Court to any party not present.
- e. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-430.v8.022625.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER SIX-MONTH STATUS REVIEW HEARING (Welf. & Inst. Code, § 366.21(e))	CASE NUMBER:

1. Six-month status review hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial Officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

	Present		Present	Appointed today
h. <u>Party (name):</u>		<u>Attorney (name):</u>		
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence

- a. report of social worker dated:
- b. report of CASA volunteer dated:
- c. case plan dated:
- d. Other (specify):
- e. Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. Notice of the date, time, and location of the hearing was given as required by law.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

3. b. **For a child 10 years of age or older who is not present,**
- (1) the child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) the child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing, or the child wished to be present and was not given an opportunity to be present, and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) it is in the best interest of the child not to continue the hearing.

4. A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):

- a. there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.
- b. there is reason to believe the child is an Indian child, and
- (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. there is reason to know that the child is an Indian child, and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3) notice has been provided as required by law; and
- (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. The child is an Indian child and a member of the: _____ tribe.

CHILD'S NAME:	CASE NUMBER:
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11. b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved successful unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Siblings

13. The child does not have siblings under the court's jurisdiction.
14. The child has siblings under the court's jurisdiction. *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

16. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.

17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (specify date):

18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. stated in the social worker's report.
- b. specified here:

CHILD'S NAME:	CASE NUMBER:
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19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
 - Parent (*name*):
 - Surrogate parent (*name*):
 - Educational representative (*name*):
 - Other (*name*):
20. The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - The child is enrolled in school.
 - The child is attending school.
21. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - the name of the support person(s) to assist the child is:
The support person's relationship(s) to the child is:
 - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. **Child 14 years of age or older:**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

24. Placement and services are ordered as stated in *(check appropriate boxes and attach indicated forms)*

- a. *Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e))* (form JV-431), which is attached and incorporated by reference.
- b. *Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (form JV-432), which is attached and incorporated by reference.
- c. *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (form JV-433), which is attached and incorporated by reference.

25. Contact with the child is ordered as stated in *(check appropriate box and attach indicated form)*

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400)
- b. *Visitation Attachment: Sibling* (form JV-401)
- c. *Visitation Attachment: Grandparent* (form JV-402)

26. All prior orders not in conflict with this order remain in full force and effect.

27. Other findings and orders

- a. See attached.
- b. *(Specify):*

28. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept.:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Twelve-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e. Other *(specify):*

29. The petition is dismissed. Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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SIX-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(e))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-430, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
6. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
7. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
8. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. the child is placed in accordance with the preferences established by the tribe; or
- f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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Reunification services

10. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved successful unsuccessful.

11. **Reunification services continued: Child under age of three at time of removal or member of sibling group**

- a. The child was under the age of three years on the date of the initial removal from the home.
- b. The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.

- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- (5) (name):
- (6) (name):

- c. Services are continued as described in item 12; or
- d. The court finds by clear and convincing evidence that the parent or legal guardian failed to participate regularly and make substantive progress in a court-ordered treatment plan, but reunification services are continued because

- (1) having considered the relevant evidence, including
 - (a) whether there has been significant progress in resolving the problems that led to the removal;
 - (b) whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; and
 - (c) whether there has been consistent and regular contact and visitation with the child;

the court finds there is a substantial probability that the child may be returned to the

- mother biological father Indian custodian
- presumed father legal guardian Other (specify):
- Other (specify):

within six months of the date of this hearing or within 12 months of the date the child entered foster care, whichever is sooner.

- (2) Reasonable services have not been provided to the
 - mother biological father Indian custodian
 - presumed father legal guardian Other (specify):
 - Other (specify):

12. **Reunification services are continued for the**

- mother biological father Indian custodian
- presumed father legal guardian Other (specify):
- Other (specify):

- a. as previously ordered.

CHILD'S NAME:	CASE NUMBER:
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12. b. as modified
 (1) on the record.
 (2) in the case plan.

13. **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative or in another planned permanent living arrangement is *(date)*:

Family finding and engagement

14. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except with respect to individuals who the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before *(date)*: detailing the diligent efforts made and the results of such efforts.

Important individuals

15. **The child is 10 years of age or older and has been in out-of-home placement for six months or longer.**
- a. The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- b. The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:

Health

16. The mother biological father Indian custodian
 presumed father legal guardian Other *(specify)*:
 Other *(specify)*:
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

17. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan, modification of parental rights and the adoption of the child and other members of the sibling group.**

Twelve-month permanency hearing date:

CHILD'S NAME:	CASE NUMBER:
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**SIX-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-430, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
6. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
7. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
8. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. the child is placed in accordance with the preferences established by the tribe; or
- f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a written oral report by the county agency on the progress made toward

CHILD'S NAME:	CASE NUMBER:
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9. b. (1) returning the child to California and locating an appropriate placement within California.
 (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 (3) Other (*specify*):

Reunification services

10. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- a. affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved successful unsuccessful.

11. The child is an Indian child or there is reason to know that the child is an Indian child, and
- a. qualified expert witness testimony was provided by: _____ ; and
 - b. evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:
 - Mother Biological father Legal guardian
 - Presumed father Indian custodian
 - Other (*specify*):
 - Other (*specify*):

12. Reunification services terminated: Child under age of three years at time of removal or member of sibling group

- a. The child was under the age of three years on the date of the initial removal from the home.
- b. The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
 - (1) (*name*):
 - (2) (*name*):
 - (3) (*name*):
 - (4) (*name*):
 - (5) (*name*):
 - (6) (*name*):
- c. By clear and convincing evidence the
 - mother biological father Indian custodian
 - presumed father legal guardian Other (*specify*):
 - Other (*specify*):

failed to participate regularly and make substantive progress in a court-ordered treatment plan and there is not a substantial probability of return within six months. Reunification services are terminated.

CHILD'S NAME:	CASE NUMBER:
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12. d. Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

13. **Reunification services terminated: Child of any age**

- a. Reunification services are terminated for the
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Other (specify): | | |

because the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and, by clear and convincing evidence,

- (1) the person's whereabouts remain unknown.
 (2) the person has not had contact or visited with the child for six months.

- b. Reunification services are terminated for the
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Other (specify): | | |

because, by clear and convincing evidence, that person has been convicted of a felony indicating parental unfitness.

- c. Reunification services are terminated for the
- | | | |
|---|--|---|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Other (specify): | | |

because it is determined that the person is deceased.

14. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency has has not been evaluated.

Family finding and engagement

15. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Important individuals

16. **Child in out-of-home placement for six months or longer**

- a. The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- b. The county agency has **not** made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.
- c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:

CHILD'S NAME:	CASE NUMBER:
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Health

17. The mother biological father Indian custodian
 presumed father legal guardian Other (specify):
 Other (specify):
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Setting for selection of permanent plan

18. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members and the results of that inquiry.
 - d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
 - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
 - f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
 - g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):
19. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is permanent placement with (name): _____, a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date): _____

CHILD'S NAME:	CASE NUMBER:
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19. b. The child is ordered to remain in foster care with a permanent plan of *(check one)*:
- (1) return home.
 - (2) adoption.
 - (3) tribal customary adoption.
 - (4) legal guardianship.
 - (5) placement with a fit and willing relative.
- c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home. establish legal guardianship.
 - place for adoption. place with a relative.
 - Other *(specify)*:
- The likely date** by which the child's permanent plan will be achieved is *(date)*:
- d. The court finds that the barriers to achieving the child's permanent plans are *(describe)*:

20. **For children 16 years of age or older placed in another planned permanent living arrangement,**

a. the court asked the child where the child wants to live, and the child provided the following information *(describe)*:

b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

c. the compelling reasons why the other permanent plan options are not in the child's best interests are *(describe)*:

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 JV-435.v9.022625.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 12-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.21(f))	CASE NUMBER:

1. Twelve-month permanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

	Present	Attorney (name):	Present	Appointed today
h. <u>Party (name):</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
 - (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence the

- a. report of social worker dated:
- b. report of CASA volunteer dated:
- c. case plan dated:
- d. Other (specify):
- e. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. For a child 10 years of age or older who is not present,
- (1) the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) it is in the best interest of the child not to continue the hearing.
4. A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*select one*)

- a. there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.
- b. there is reason to believe the child is an Indian child; and
- (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. there is reason to know that the child is an Indian child, and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3) notice has been provided as required by law; and
- (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. the child is an Indian child and a member of the: _____ tribe.

CHILD'S NAME:	CASE NUMBER:
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11. c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved successful unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Siblings

13. **The child does not have siblings under the court's jurisdiction.**
14. **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. **A limitation on the right of the parents to make educational decisions for the child is not necessary.** The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

16. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.

17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on *(date)*:

18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. stated in the social worker's report.
- b. specified here:

CHILD'S NAME:	CASE NUMBER:
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19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
 - Parent (*name*):
 - Surrogate parent (*name*):
 - Educational representative (*name*):
 - Other (*name*):
20. The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - The child is enrolled in school.
 - The child is attending school.
21. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - the name of the support person(s) to assist the child is: _____, and the relationship(s) to the child is: _____.
 - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. **Child 14 years of age or older:**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:

CHILD'S NAME:	CASE NUMBER:
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24. Placement and services are ordered as stated in *(check appropriate boxes and attach indicated forms)*

- a. *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f)) (form JV-436), which is attached and incorporated by reference.*
- b. *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f)) (form JV-437), which is attached and incorporated by reference.*
- c. *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f)) (form JV-438), which is attached and incorporated by reference.*

25. Contact with the child is ordered as stated in *(check appropriate box and attach indicated form)*

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person (form JV-400).*
- b. *Visitation Attachment: Sibling (form JV-401).*
- c. *Visitation Attachment: Grandparent (form JV-402).*

26. All prior orders not in conflict with this order remain in full force and effect.

27. Other findings and orders

- a. See attached.
- b. *(Specify):*

28. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept.:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Eighteen-month permanency hearing (Welf. & Inst. Code, § 366.22)
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f. Other *(specify):*

29. The petition is dismissed. Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. **The child's current placement is appropriate.**
4. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
5. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-435, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
6. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
7. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
8. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*choose one*),
- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. the child is placed in accordance with the preferences established by the tribe; or
- f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

9. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
 - b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

Reunification services

10. a. **There is substantial probability that the child may be returned** to the
- | | | |
|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (<i>specify</i>): |
| <input type="checkbox"/> Other (<i>specify</i>): | | |
- by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has
- (1) made significant progress in resolving the problems that led to the removal;
 - (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
 - (3) consistently and regularly contacted and visited the child.
- b. Reasonable services have not been provided to the
- | | | |
|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (<i>specify</i>): |
| <input type="checkbox"/> Other (<i>specify</i>): | | |
11. Reunification services are continued for the
- | | | |
|--|--|--|
| <input type="checkbox"/> mother | <input type="checkbox"/> biological father | <input type="checkbox"/> Indian custodian |
| <input type="checkbox"/> presumed father | <input type="checkbox"/> legal guardian | <input type="checkbox"/> Other (<i>specify</i>): |
| <input type="checkbox"/> Other (<i>specify</i>): | | |
- a. as previously ordered.
 - b. as modified
 - (1) on the record.
 - (2) in the case plan.
12. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*date*):

Family finding and engagement

13. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) The county agency must submit a report to the court on or before (*date*): detailing the diligent efforts made and the results of such efforts.

CHILD'S NAME:	CASE NUMBER:
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Important individuals

14. **Child 10 years of age or older**
- a. The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

Health

15. The mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 18-month permanency hearing set on a date within 18 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Eighteen-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

**TWELVE-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(f))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved successful unsuccessful.
4. The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. qualified expert witness testimony was provided by (*name*): _____ ; and
 - b. evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

<input type="checkbox"/> Mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> Other (<i>specify</i>):		
<input type="checkbox"/> Other (<i>specify</i>):		

Placement

5. **The child's out-of-home placement is necessary.**
6. **The child's current placement is appropriate.**
7. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
9. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
10. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in form JV-435, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (*specify*):

CHILD'S NAME:	CASE NUMBER:
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11. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently, *(check one)*
- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. the child is placed in accordance with the preferences established by the tribe; or
 - f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
 - b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other *(specify)*:

13. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency has has not been evaluated.

Family finding and engagement

14. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) The county agency must submit a report to the court on or before *(date)*: detailing the diligent efforts made and the results of such efforts.

Important individuals

15. **For a child who is 10 years of age or older,**
- a. the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.

CHILD'S NAME:	CASE NUMBER:
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15. c. to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:

Health

16. The mother biological father Other (specify):
 presumed father legal guardian Other (specify):
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Selection of permanent plan

17. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is permanent placement with (name): _____, a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date): _____
- b. The child is ordered to remain in foster care with a permanent plan of
- (1) return home.
 (2) adoption.
 (3) tribal customary adoption.
 (4) legal guardianship.
 (5) placement with a fit and willing relative.
- c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home. establish legal guardianship.
 place for adoption. place with a relative.
 Other (specify): _____
- The likely date** by which the child's permanent plan will be achieved is (date): _____
- d. The court finds that the barriers to achieving the child's permanent plans are (describe): _____

18. **For children 16 years of age or older placed in another planned permanent living arrangement,**
- a. the court asked the child where the child wants to live, and the child provided the following information (describe): _____

CHILD'S NAME:	CASE NUMBER:
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18. b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

c. the compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

19. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**

- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
 - (1) *(name)*:
 - (2) *(name)*:
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is *(specify date)*:

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: FOR COURT USE ONLY DRAFT Not approved by the Judicial Council JV-440.v11.022725.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.22)	CASE NUMBER:

1. Eighteen-month permanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom
 - (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence the

- a. report of social worker dated:
- b. report of CASA volunteer dated:
- c. case plan dated:
- d. Other (specify):
- e. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. For a child 10 years of age or older who is not present,
- (1) the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present, and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) it is in the best interest of the child not to continue the hearing.
4. A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, has reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):

- a. there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.
- b. there is reason to believe the child is an Indian child, and
- (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, and the California Department of Social Services.
- c. there is reason to know that the child is an Indian child, and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
- (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code § 224.3 and file proof of due diligence and notice with the court; and
- (3) notice has been provided as required by law; and
- (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. the child is an Indian child and a member of the: _____ tribe.

CHILD'S NAME:	CASE NUMBER:
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11. b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved successful unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Siblings

13. **The child does not have siblings under the court's jurisdiction.**
14. **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

16. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.

17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. stated in the social worker's report.
- b. specified here:

CHILD'S NAME:	CASE NUMBER:
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19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- Social worker
 - Parent (*name*):
 - Surrogate parent (*name*):
 - Educational representative (*name*):
 - Other (*name*):
20. The child's education placement has changed since the last review hearing.
- The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - The child is enrolled in school.
 - The child is attending school.
21. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - the name of the support person(s) to assist the child is: _____, and the support person's relationship(s) to the child is: _____.
 - an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. **Child 14 years of age or older**
- The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - stated on the record.
 - as follows:

CHILD'S NAME:	CASE NUMBER:
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24. **Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22)* (form JV-441), which is attached and incorporated by reference.
- b. *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (form JV-442), which is attached and incorporated by reference.
- c. *Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22)* (form JV-443), which is attached and incorporated by reference.

25. **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. **Other findings and orders**

- a. See attached.
- b. (Specify):

28. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Twenty-four-month permanency hearing (Welf. & Inst. Code, § 366.25)
- c. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f. Other (specify):

29. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.22)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved successful unsuccessful.
4. The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. qualified expert witness testimony was provided by (name): _____ ; and
 - b. evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

<input type="checkbox"/> Mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Other (specify):		

Placement

5. **The child's out-of-home placement is necessary.**
6. **The child's current placement is appropriate.**
7. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
8. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
9. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
10. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. The matter is continued to the date and time indicated in form JV-440, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
 - b. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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11. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*check one*):
- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. the child is placed in accordance with the preferences established by the tribe; or
 - f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
 - b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a written oral report by the county agency on the progress made toward
 - (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

13. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency has has not been evaluated.

14. Family finding and engagement

- a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
 - (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) The county agency must submit a report to the court on or before (*date*): _____ detailing the diligent efforts made and the results of such efforts.

Important individuals

15. **For a child who is 10 years of age or older,**
- a. the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.

CHILD'S NAME:	CASE NUMBER:
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15. c. to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:

Health

16. The mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):
- is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Selection of permanent plan

17. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is permanent placement with (*name*): _____, a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*date*): _____
- b. The child is ordered to remain in foster care with a permanent plan of
- (1) return home.
 - (2) adoption.
 - (3) tribal customary adoption.
 - (4) legal guardianship.
 - (5) placement with a fit and willing relative.
- c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- | | |
|--|--|
| <input type="checkbox"/> return home. | <input type="checkbox"/> establish legal guardianship. |
| <input type="checkbox"/> place for adoption. | <input type="checkbox"/> place with a relative. |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |
- The likely date** by which the child's permanent plan will be achieved is (*date*): _____
- d. The court finds that the barriers to achieving the child's permanent plans are (*describe*): _____

18. **For children 16 years of age or older placed in another planned permanent living arrangement.**
- a. The court asked the child where the child wants to live, and the child provided the following information (*describe*): _____

CHILD'S NAME:	CASE NUMBER:
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18. b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):
- c. The compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):
19. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (*name*):
- (2) (*name*):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (*date*):

CHILD'S NAME:	CASE NUMBER:
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EIGHTEEN-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.22)

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**

3. **The child's current placement is appropriate.**

4. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.

5. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.

6. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.

7. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.

- a. The matter is continued to the date and time indicated in form JV-440, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.

- b. Other (*specify*):

8. There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (*choose one*),

- a. the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or

- b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

- c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

- d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

- e. the child is placed in accordance with the preferences established by the tribe; or

- f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

9. **The child is placed outside the state of California, and that out-of-state placement**

- a. continues to be the most appropriate placement for the child and is in the best interest of the child.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

9. b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
 - (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) Other (*specify*):

Reunification services

10. By clear and convincing evidence, it is in the best interest of the child to provide additional reunification services to the

- a. mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):
- (1) who is making significant and consistent progress in a substance abuse treatment program.
 - (2) who is recently discharged from incarceration, institutionalization, or the custody of the Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return.
 - (3) who was a minor parent or a nonminor dependent parent at the time of the initial hearing and is making significant and consistent progress in establishing a safe home for the child's return.

and

b. There is a substantial probability that the child may be returned to the

- mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.25 because the person has

- (1) consistently and regularly contacted and visited the child;
- (2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
- (3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
 - (a) to complete the objectives of their substance abuse treatment plan as evidenced by reports from a substance abuse provider.
 - (b) to complete a treatment plan postdischarge from incarceration or institutionalization.

- c. The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause under Welf. and Inst. Code, § 352 to continue the 18-month status review to (*date*):

11. Reunification services are continued for the

- mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):

- a. as previously ordered.
- b. as modified
 - (1) on the record.
 - (2) in the case plan.

CHILD'S NAME:	CASE NUMBER:
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12. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is *(date)*:

Family finding and engagement

- 13. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
 - (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) The county agency must submit a report to the court on or before *(date)*: _____ detailing the diligent efforts made and the results of such efforts.

Important individuals

- 14. **For a child who is 10 years of age or older**
 - a. The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
 - (1) as stated on the record.
 - (2) as follows:

Health

15. The mother biological father Indian custodian
 presumed father legal guardian Other *(specify)*:
 Other *(specify)*:
 is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 24-month permanency hearing set on a date within 24 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. **That hearing may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Twenty-four-month permanency hearing date:

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 JV-446.v7.022725.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER:

1. Postpermanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

	Present	Attorney name	Present	Appointed today
h. <u>Party name</u>				
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom
 - (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence

- a. report of social worker (dated):
- b. report of CASA volunteer (dated):
- c. case plan (dated):

CHILD'S NAME:	CASE NUMBER:
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2. d. Other (specify):

e. Other (specify):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. **For a child 10 years of age or older who is not present,**
- (1) the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) it is in the best interest of the child not to continue the hearing.

4. a. The child is may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. There is reason to believe that the child may be of Indian ancestry, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.

5. A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

Advisements and waivers

7. The court has informed and advised the

- mother biological father legal guardian child
- presumed father alleged father Indian custodian
- Other (specify):
- Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

CHILD'S NAME:	CASE NUMBER:
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8. The mother biological father legal guardian child
 presumed father alleged father Indian custodian
 Other (specify):
 Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Placement

9. **Continued out-of-home placement is in the best interest of the child.**
10. **The child's out-of-home placement is necessary.**
11. **Continued out-of-home placement is no longer necessary. The child is ordered immediately returned to the home of the** mother father legal guardian Other (specify):
- a. Family maintenance services are ordered for six months.
- b. The family does not need further services, and the person(s) specified in item 11 is or are granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).
12. **The child's current placement is appropriate.**
13. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(l) when determining the continuing necessity for and appropriateness of the placement.
14. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
15. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
16. **The child's current placement is not appropriate.** The county agency must locate an appropriate place for the child.
- a. The matter is continued to the date and time indicated in item 45 for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (specify):
17. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 45 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.

CHILD'S NAME:	CASE NUMBER:
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17. b. (3) Other (*specify*):

18. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency has has not been evaluated.

Case plan development

19. a. The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b. The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1) the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
 - (2) the county agency is not required to actively involve the child in the case plan development because the child was unable, unavailable, or unwilling to participate.

20. Child 14 years of age or older

- a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - (1) stated on the record.
 - (2) as follows:

21. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

Efforts

22. The county agency

- a. has
 - b. has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

23. The services provided to the child have been

- a. adequate.
- b. inadequate.

Family finding and engagement

24. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.

CHILD'S NAME:	CASE NUMBER:
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24. b. (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before *(date)*: detailing the diligent efforts made and the results of such efforts.

25. **Child is 10 years of age or older and has been in an out-of-home placement for six months or longer.**

- a. The child has identified the following as an individual important to the child:
- (1) *(name)*:
- (2) *(name)*:
- b. The county agency has has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
- c. The county agency has has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
- d. The county agency has has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
- e. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:
- f. To identify a prospective adoptive parent or a legal guardian for the child, the county agency must provide the service
- (1) as stated on the record.
- (2) as follows:

Siblings

26. **The child does not have siblings under the court's jurisdiction.**
27. **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
28. The child has siblings. A postadoption sibling contact agreement has has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.

Education

29. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.
30. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 28 or other concerns are
- a. stated in the social worker's report.
- b. specified here:

CHILD'S NAME:	CASE NUMBER:
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31. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 29:
- a. Social worker
 - b. Parent (*name*):
 - c. Surrogate parent (*name*):
 - d. Educational representative (*name*):
 - e. Other (*name*):
32. The child's education placement has changed since the last review hearing.
- a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - b. The child is enrolled in school.
 - c. The child is attending school.
33. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (2) the name of the support person(s) to assist the child is:
The support person's relationship(s) to the child is:
 - (3) an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (4) to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - (a) stated on the record.
 - (b) as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

34. **Child 12 years of age or older**
- a. The child was given the opportunity to review the case plan, sign it, and receive a copy.
 - b. The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
 - (1) the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
 - (2) the county agency is not required to give the child this opportunity because the child was unable, unavailable, or unwilling to participate.

Health

35. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):
36. The mother biological father Indian custodian
 presumed father legal guardian Other (*specify*):
 Other (*specify*):
- is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

CHILD'S NAME:	CASE NUMBER:
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Permanent plan

37. a. It is ordered that
- (1) the child's permanent plan is legal guardianship. **The likely date** by which the child's permanent plan will be achieved is (date):
- (2) the child's permanent plan is permanent placement with a fit and willing relative. **The likely date** by which the child's permanent plan will be achieved is (*date*):
- b. It is ordered that the child remain in foster care with a permanent plan of
- (1) return home.
- (2) adoption.
- (3) tribal customary adoption.
- (4) legal guardianship.
- (5) placement with a fit and willing relative.
- c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home. establish legal guardianship.
- place for adoption. place with a relative.
- Other (*specify*):
- The likely date** by which the child's permanent plan will be achieved is (*date*):
- d. The court finds that the barriers to achieving the child's permanent plan are (*describe*):

38. **For a child 16 years of age or older placed in another planned permanent living arrangement,**

- a. the placing agency has made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:
- b. the court asked the child where the child wants to live, and the child provided the following information (*describe*):
- c. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):

CHILD'S NAME:	CASE NUMBER:
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38. d. the compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

39. The mother father Other *(specify)*: _____ has proved by a preponderance of the evidence that further efforts at reunification are the best alternative for the child under Welf. & Inst. Code, § 366.3(f). Further reunification services to return the child to a safe home environment are ordered for the parent for a period of six months. The case plan dated: _____ is appropriate, and the mother father Other *(specify)*: _____ is ordered to participate in the case plan.

40. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.

41. The child's permanent plan identified in item 36 is appropriate and continues as the permanent plan.

42. a. The child's permanent plan identified in item 36 may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.

b. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).

c. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (Cal. Rules of Court, rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.

d. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.

e. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).

- (1) *(name)*:
- (2) *(name)*:
- (3) *(name)*:
- (4) *(name)*:

43. **Contact with the child is ordered as stated in** *(check appropriate box and attach indicated form)*

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

44. All prior orders not in conflict with this order remain in full force and effect.

45. Other findings and orders

- a. See attached.
- b. (Specify):

46. The next hearing is scheduled as follows:

Hearing date:	Time:	Dept:	Room:
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- a. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
- b. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- c. Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- d. Other (specify):

47. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 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 JV-455.v8.022725.jh
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 24-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.25)	CASE NUMBER:

1. Twenty-four-month permanency hearing

- a. Date:
- b. Department:
- c. Judicial officer (name):
- d. Court clerk (name):
- e. Court reporter (name):
- f. Bailiff (name):
- g. Interpreter (name and language):

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(2) Mother:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(3) Father—presumed:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(4) Father—biological:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(5) Father—alleged:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(6) Legal guardian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(7) Indian custodian:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(8) De facto parent:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(9) County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(10) Tribal representative:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(11) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
(12) Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

- i. Others present in courtroom:
 - (1) Court Appointed Special Advocate (CASA) volunteer (name):
 - (2) Other (name):
 - (3) Other (name):

2. The court has read and considered and admits into evidence

- a. report of social worker dated:
- b. report of CASA volunteer dated:
- c. case plan dated:
- d. Other (specify):
- e. Other (specify):

CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. Notice of the date, time, and location of the hearing was given as required by law.
- b. For a child 10 years of age or older who is not present,
- (1) the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
 - (2) the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present, and
 - (a) there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
 - (b) it is in the best interest of the child not to continue the hearing.

4. A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
 - (2) alleged parent (*name*):
 - (3) alleged parent (*name*):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*)

- a. there is no reason to believe or know that the child is an Indian child. The county agency is ordered to continue to inquire about the child's possible Indian status and to report all inquiry efforts to the court.
- b. there is reason to believe the child is an Indian child; and
- (1) the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
 - (2) the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. there is reason to know that the child is an Indian child, and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
 - (2) the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
 - (3) notice has been provided as required by law; and
 - (4) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. the child is an Indian child and a member of the: _____ tribe.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

- 11. b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
- d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved successful unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. <input type="checkbox"/> Mother	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. <input type="checkbox"/> Presumed father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. <input type="checkbox"/> Biological father	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. <input type="checkbox"/> Legal guardian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. <input type="checkbox"/> Indian custodian	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. <input type="checkbox"/> Other (<i>specify</i>):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Siblings

- 13. **The child does not have siblings under the court's jurisdiction.**
- 14. **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

- 15. a. A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.
- b. A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650(e) and (f) may be obtained from the court clerk.

- 16. a. The child's educational needs are are not being met.
- b. The child's physical needs are are not being met.
- c. The child's mental health needs are are not being met.
- d. The child's developmental needs are are not being met.

17. The child does does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

- 18. The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
 - a. stated in the social worker's report.
 - b. specified here:

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

19. The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- a. Social worker
 - b. Parent (*name*):
 - c. Surrogate parent (*name*):
 - d. Educational representative (*name*):
 - e. Other (*name*):
20. The child's education placement has changed since the last review hearing.
- a. The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - b. The child is enrolled in school.
 - c. The child is attending school.
21. **Child 14 years of age or older**
- a. The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - b. The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - c. To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - (1) stated on the record.
 - (2) as follows:
22. For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
23. a. The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (2) the name of the support person(s) to assist the child is: _____
The support person's relationship(s) to the child is: _____
 - (3) an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (4) to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - (a) stated on the record.
 - (b) as follows:
- b. The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

CHILD'S NAME:	CASE NUMBER:
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24. **Placement and services are ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. *Twenty-Four-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.25)* (form JV-456), which is attached and incorporated by reference.
- b. *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (form JV-457), which is attached and incorporated by reference.

25. **Contact with the child is ordered as stated in** (check appropriate box and attach indicated form)

- a. *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. *Visitation Attachment: Sibling* (form JV-401).
- c. *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. **Other findings and orders**

- a. See attached.
- b. (Specify):

28. **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. In-home status review hearing (Welf. & Inst. Code, § 364)
- b. Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- c. Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- d. Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e. Other (specify):

29. **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

**TWENTY-FOUR-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.25)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts have have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts did did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts were were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan have have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved successful. unsuccessful.
5. The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. qualified expert witness testimony was provided by (*name*): _____ ; and
 - b. evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

<input type="checkbox"/> mother	<input type="checkbox"/> Biological father	<input type="checkbox"/> Legal guardian
<input type="checkbox"/> Presumed father	<input type="checkbox"/> Indian custodian	
<input type="checkbox"/> Other (<i>specify</i>): _____	<input type="checkbox"/> Other (<i>specify</i>): _____	
6. There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*check one*):
 - a. the child is placed with a member of the child's extended family as defined by section 1903 of the title 25 of the United States Code; or
 - b. a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. the child is placed in accordance with the preferences established by the tribe; or

CHILD'S NAME:	CASE NUMBER:
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6. f. the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. **The child's current placement is appropriate.**
8. For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(f) when determining the continuing necessity for and appropriateness of the placement.
9. The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement was was not appropriate. The county agency has has not made reasonable efforts to locate the child.
10. The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement was was not appropriate.
11. **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. The matter is continued to the date and time indicated in form JV-455, item 28, for a written oral report by the county agency on the progress made in locating an appropriate placement.
- b. Other (*specify*):
12. **The child is placed outside the state of California, and that out-of-state placement**
- a. continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 28 for a written oral report by the county agency on the progress made toward
- (1) returning the child to California and locating an appropriate placement within California.
- (2) locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) Other (*specify*):

Selection of permanent plan

13. The county agency has has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency has has not been evaluated.
14. **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. The child's permanent plan is permanent placement with (*name*): _____ a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*date*): _____
- b. The child is ordered to remain in foster care with a permanent plan of
- (1) return home.
- (2) adoption.
- (3) tribal customary adoption.
- (4) legal guardianship.
- (5) placement with a fit and willing relative.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

14. c. The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- return home.
 - place for adoption.
 - Other (*specify*):
 - establish legal guardianship.
 - place with a relative.
- The likely date by which the child's permanent plan will be achieved is (*date*):
- d. The court finds that the barriers to achieving the child's permanent plans are (*describe*):

15. For a child 16 years of age or older placed in another planned permanent living arrangement,
- a. the court asked the child where the child wants to live, and the child provided the following information (*describe*):

 - b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):

 - c. the compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

16. a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
 - c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
 - d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
 - e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.

CHILD'S NAME:	CASE NUMBER:
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16. f. The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (name):
 (2) (name):
 (3) (name):
 (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):

Family finding and engagement

17. a. The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Important individuals

18. **Child is 10 years of age or older**
- a. The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. The county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) as stated on the record.
- (2) as follows:

Health

19. The mother biological father Indian custodian
 presumed father legal guardian Other (specify):
 Other (specify):
- is unable unwilling unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.