

Judicial Council of California

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INVITATION TO COMMENT

SPR24-31

Title

Protective Orders: Revisions to Civil Forms to Implement New Law

Proposed Rules, Forms, Standards, or Statutes

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730

Proposed by

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

Action Requested

Review and submit comments by May 3, 2024

Proposed Effective Date

January 1, 2025

Contact

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Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes the revision of numerous protective order forms. These revised forms implement three significant changes to the law. First, changes are needed to all the restraining order form series, including the Gun Violence, Civil Harassment, Elder Abuse, Workplace Violence, and Private Post-Secondary School Violence forms addressed in this proposal to implement a new law prohibiting the possession of body armor by those who are prohibited from possessing firearms. Second, further changes are needed to gun violence restraining order forms to reflect a new law that permits the acquisition of body armor to be

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 It is circulated for comment purposes only.

considered as evidence in determining whether to issue such a restraining order. Finally, the proposal also implements new laws concerning workplace violence restraining orders that add harassment as a basis for orders, permit collective bargaining representatives to petition for orders, and allow the employee who suffered the harassment, violence, or threat of violence to opt out of being named in orders.

Background

Assembly Bill 92 (body armor prohibition)

Last year, the Legislature enacted AB 92 (Stats. 2023, ch. 232), under which a person prohibited from possessing firearms is also prohibited from possessing, owning, or buying body armor. For most protective orders, the governing law provides that upon issuance of the order the restrained person is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms, ammunition, and other items. Under AB 92 courts must now advise restrained persons that they are prohibited from possessing, owning, or buying body armor when they are advised of the firearm prohibition.

Importantly, however, different statutory language is used in the prohibitions regarding body armor and firearms, and ammunition. Specifically, Penal Code section 31360 states that a person who "purchases, owns, or possesses" body armor is guilty of a crime. But after the issuance of most protective orders, the restrained person "shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition."⁵

The new law also requires the prohibited person to relinquish body armor that they possess.⁶ However, unlike firearms (and sometimes ammunition), which have statutorily required relinquishment procedures after the issuance of a protective order, there is no relinquishment procedure for body armor outlined in the statute.

Assembly Bill 301 (acquisition of body armor used as evidence)

AB 301 (Stats. 2023, ch. 234)⁷ was similarly enacted last year and concerns body armor. Specifically, AB 301 adds "evidence of acquisition of body armor" as permissible evidence that a court may consider in determining whether grounds for a gun violence restraining order exist. Acquisition of body armor joins seven other types of evidence already provided in Penal Code section 18155(b)(2).

¹ AB 92 is available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB92.

² Pen. Code, § 31360(b)(1)–(2).

³ See e.g., Code Civ. Proc., §§ 527.6(u) & 527.85(s).

⁴ Pen. Code, § 31360(b)(2).

⁵ See e.g., Code Civ. Proc., §§ 527.6(u) & 527.85(s).

⁶ Pen. Code, § 31360(b)(2).

⁷ AB 301 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=202320240AB301.

Statutory amendments to workplace violence restraining orders

Last year, the Legislature enacted Senate Bill 428 (Stats. 2023, ch. 286)⁸ and SB 553 (Stats. 2023, ch. 289),⁹ which make three substantive amendments to Code of Civil Procedure section 527.8, the statute that governs workplace violence restraining orders.

Harassment

Prior to the statutory amendments, Code of Civil Procedure section 527.8 provided that a workplace violence restraining order could be sought if an employee "suffered unlawful violence or a credible threat of violence." SB 428 and SB 553 add that such an order may also be sought if the employee suffers "harassment" as later defined in the statute.¹⁰

Collective bargaining representative

Prior to the statutory amendments, section 527.8 permitted only an employer to seek a workplace violence restraining order. SB 428 and SB 553 have added an additional potential petitioner—an employee's collective bargaining representative.

Employee opt out

The new workplace violence restraining order legislation also now requires the petitioner to allow the employee who suffered harassment, violence, or a threat of violence the opportunity to "decline to be named" in the restraining order. ¹¹ However, the employee declining this assistance does not prohibit the petitioner from seeking a restraining order "on behalf of other employees at the workplace." ¹² Section 527.8 authorizes a restraining order to "include other named family or household members, or other persons employed at the employee's workplace or workplaces," upon a showing and good cause and in the discretion of the court. ¹³

The Proposal

The changes proposed in this invitation to comment are needed to address three distinct issues:

- Implementation of recently enacted AB 92;
- Implementation of recently enacted AB 301; and
- Implementation of SB 428 and SB 553.

⁸ SB 428 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=202320240SB428.

⁹ SB 553 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=202320240SB553.

¹⁰ The definition of harassment in section 527.8 is "a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be that which would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress."

¹¹ Code Civ. Proc., § 527.8(e).

¹² *Ibid*.

¹³ Code Civ. Proc., § 527.8(d).

The forms with all the revisions highlighted are at pages 9–194.

Implementation of AB 92

The committee proposes several form revisions in all the civil protective order forms series to implement the new body armor prohibition for restrained individuals in AB 92.¹⁴

Orders

The committee proposes including a new item on the order forms in this proposal¹⁵ for the body armor prohibition. The existing firearm prohibition item enumerates eight ways the respondent may not possess or obtain firearms and other items as provided by the statute. The statutory language for the new body armor prohibition, however, places far fewer limitations on the respondent. Additionally, the existing item also outlines a statutorily prescribed relinquishment process for firearms and, in some cases, ammunition, which is not required for body armor. Given the different legal requirements concerning the body armor prohibition, a separate item specifying the prohibition and relinquishment requirements from the statute is appropriate.

Response forms

For the same reasons, the committee also proposes a new body armor item on response forms. ¹⁶ This new item includes different content related to body armor, but follows the structure of the existing firearm prohibition item. The new item instructs respondents that they are prohibited from owning, possessing, or buying body armor if a temporary order has been served and that they must relinquish any body armor they have. The respondent must also check boxes stating that they do not have any body armor, that they have relinquished all their body armor, or that they will ask for an exception to keep their body armor.

Petitions and notice of hearing forms

Existing petitions and notice of hearing forms for the different types of protective orders in this proposal ¹⁷ include a general statement advising of a firearm prohibition and relinquishment procedure if the order is granted. The committee proposes including an additional sentence in this item of the forms advising that if the order is granted the respondent will also be prohibited from owning, possessing, or buying body armor and must relinquish any that they have.

¹⁴ Similar changes to domestic violence restraining order forms, juvenile restraining order forms, and criminal protective order forms are also being proposed by the Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee. Those invitations to comment are available at www.courts.ca.gov/policyadmin-invitationstocomment.htm.

¹⁵ Forms CH-110, CH-130, EA-110, EA-130, GV-030, GV-110, GV-130, SV-110, SV-130, WV-110, and WV-130. EPO-002 is also an order form and contains the same added language, but given that the current EPO forms are limited to a one-page form as they are designed to be completed by law enforcement in the field, it is not in a new item.

¹⁶ Forms CH-120, EA-120, GV-020, GV-120, SV-120 and WV-120.

¹⁷ Forms CH-100, CH-109, EA-100, EA-109, GV-100, GV-109, SV-100, SV-109, WV-100, and WV-109.

Information sheets

With regard to firearms, most of the information sheets in this proposal 18 simply state that the judge can order the respondent to not have them and other items. Accordingly, a simple addition of body armor to the list of prohibited items included in the sheet is sufficient. The gun violence restraining order information forms 19 are more complicated as they spell out the required relinquishment procedures. The committee thus proposes that those forms contain a separate sentence at the end of the information about firearms stating that the respondent may not own, possess, or buy body armor and if they have any they must relinquish it.

Implementation of AB 301

AB 301 adds the acquisition of body armor to the list of evidence that can be considered in determining if a gun violence restraining order should be issued. The only current form that discusses such evidence is form GV-100-INFO. Accordingly, the committee proposes adding such information to the existing discussion contained within the form.

In reviewing forms to implement AB 301, the committee examined form GV-100, which at item 6 requires the petitioner to explain why a gun violence restraining order is needed. The committee believes additional information about the evidence that may be considered in determining whether an order should be issued would be helpful. As such, proposed revised form GV-100 contains a rewritten item 6, which provides the two showings that must be made for an order to be issued and also contains a new bulleted list of the evidence that the petitioner can offer to make such showings (including the purchase of body armor).

Implementation of SB 428 and SB 553

The committee proposes several form revisions to implement the statutory provisions related to workplace violence restraining orders in SB 428 and SB 553.

Harassment

Given that the petitioner may now seek a workplace restraining order based on harassment by the respondent, the committee proposes adding a new subitem in item 8a of the petition (form WV-100). The new subitem allows the petitioner to allege that respondent's conduct included harassment as described in Code of Civil Procedure section 527.8(b)(4). The committee also proposes adding harassment to the list of wrongful action which may form the basis for issuing a temporary restraining on the notice of hearing form (WV-109) (in item 5b, where the court may state that an order was not granted because the petition did not provide sufficient proof of such wrongful acts).

Collective bargaining representative

Generally, the new provision permitting a collective bargaining representative to seek a workplace violence restraining order necessitates minimal revisions to the form set—adding "or

¹⁸ Forms CH-100-INFO, CH-120-INFO, EA-100-INFO, EA-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO.

¹⁹ Forms GV-020-INFO, GV-100-INFO, and GV-120-INFO.

collective bargaining representative" wherever the employer (petitioner) is mentioned.²⁰ In addition to such changes, the committee also proposes asking for the union name if the petitioner is a collective bargaining representative²¹ on the petition (form WV-100) and including additional statutory requirements for the representative on the information sheet, form WV-100-INFO.

Employee opt-out

The committee proposes the following form revisions to implement the new statutory provision permitting the employee who suffered harassment, violence, or threat of violence to opt out of being named in the restraining order:

- Instead of referring to the "employee in need of protection," refer to the "employee who suffered harassment, violence, or threat of violence" on the petition (form WV-100), proofs of service, and renewal forms; and the "employee who petitioner asserts suffered harassment, violence, or threat of violence" on the notice of hearing (form WV-109) and response (form WV-120).²²
- Eliminate references to "additional protected persons" and instead only refer to "protected persons."
- Revise the orders (forms WV-110 and WV-130) to include a single item for protected persons (rather than separate items for "Employee (protected person)" and "Additional protected persons (who under the new law may be the only protected persons), and similarly reformat the stay-away order items to reference the protected persons rather than the "employee." For the order after hearing (form WV-130) specifically, revise item 5 to eliminate subitems currently used to state that the employee who has suffered harassment, violence, or threat of violence and their attorney attended the hearing. ²³ The court may list their attendance on an attachment where all other hearing attendees are listed. Form WV-130 has also been revised to make renumbered item 14 concerning free service optional as free service may not be available where the basis for the order was harassment and not violence or stalking.

²⁰ Forms WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730.

²¹ The committee proposes removing the information about the employer's type of entity from item 1 on form WV-100, as the information sheet mentions that if the employer is a corporation it must be represented by an attorney.

²² The committee reads new Code of Civil Procedure section 527.8(e) to permit the employee who suffered harassment, violence, or a threat of violence to be named in pleadings in order for parties to be able to establish or deny the basis for the restraining order to be issued even if that employee opts out of being named in the orders.

²³ The committee has requested specific comment on whether it is necessary for the court to record whether the employee who suffered harassment, violence, or threat of violence attended the hearing.

• Include additional information on form WV-100-INFO regarding the ability of the employee who suffered harassment, violence, or threat of violence to opt out of being named in any orders.

Alternatives Considered

In implementing the new body armor prohibition, the committee considered providing more guidance on how "relinquishment" can be satisfied (e.g., deadline, who to give it to, whether destruction of body armor qualifies). However, the committee decided against this approach as the statute does not define relinquishment or provide a framework for compliance. The committee did not consider not proposing changes as all the changes in this proposal are required to reflect a recent change in law.

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the revised forms. Courts will also incur costs to incorporate the revised forms into the paper or electronic processes. These cannot be deferred because the changes are needed for the forms to be correct under the statutes.

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 form WV-130 state whether the employee who suffered harassment, violence, or threat of violence attended the hearing? If so, what purpose does it serve?

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

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

Attachments and Links

1. Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002,

GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730, at pages 9–194

- 2. Link A: AB 92, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB92
- 3. Link B: AB 301, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB301
- 4. Link C: SB 428, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB428
- 5. Link D: SB 553, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB553

CH-100

Request for Civil Harassment **Restraining Orders**

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

Person Seeking Protection a. Your Full Name:

TEST Age: Your Lawyer (if you have one for this case) Fill in court name and street address: State Bar No.: Superior Court of California, County of 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: Court fills in case number when form is filed. Case Number:

Clerk stamps date here when form is filed.

DRAFT

2024-01-22

Not approved by the Judicial Council

2	Person	From	Whom	Protection	ls	Sough
	1 613011	1 10111	WIIOIII	i iotection	13	ooug

Email Address:

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

Telephone: Fax:

Additional Protected Persons

Full Name	<u>Gender</u>	<u>Age</u>	Lives with you?	How are they related to you?
			☐ Yes ☐ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	
			☐ Yes ☐ No	
☐ Check here if there are more persons. Attach Persons" for a title. You may use form MC-02		•	nd write "Attachme	ent 3a—Additional Protected

a. Are you asking for protection for any other family or household members?

Yes

No If yes, list them:

- 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.

) I	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 paper or form MC-025 and write "Attachment 4—Relationship of Parties"	
	Venue	
	Why are you filing in this county? (Check all that apply): a. ☐ The person in ② lives in this county.	
	 b. ☐ I was harassed by the person in ② in this county. c. ☐ Other (specify): 	
/	Other Court Cases	
8	a. Have you or any of the persons named in 3 been involved in another court	case with the person in (2)?
	☐ Yes ☐ No (If yes, check each kind of case and indicate where and Kind of Case Filed in (County/State)	when each was filed.) Year Filed Case Number (if know.
	(1) Civil Harassment	
	(2) Domestic Violence	
	(3) Divorce, Nullity, Legal Separation(4) Paternity, Parentage, Child Custody	
	(5) Elder or Dependent Adult Abuse	
	(6) Eviction	
	(7) Guardianship	
	(8) Workplace Violence	
	(9) Small Claims	
	(10) Criminal	
	(11) \square Other (specify):	
1	b. Are there now any protective or restraining orders in effect relating to you of person in 2? No Yes (If yes, attach a copy if you have one.)	or any of the persons in (3) and the
/	Description of Harassment	
	Harassment means violence or threats of violence against you, or a course of country annoyed, or harassed you and caused you substantial emotional distress. A country of the country of t	•
ä	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.	

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.
	sneet of paper or form MC-023 and write Attachment / a(3)—Describe Harassment for a little.
(4)	Did the person in 2) use or threaten to use a gun or any other weapon? Yes No (If yes, explain below):
	Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.
(5)	Were you have a dar in it was the accuse of the have seement?
(3)	Were you harmed or injured because of the harassment? Yes No (If yes, explain below):
	☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.
(6)	Diddha maliaa aama?
(0)	Did the police come? \[\subseteq \text{Yes} \] No If yes, did they give you or the person in \(\begin{align*} \text{2} \) an Emergency Protective Order? \[\subseteq \text{Yes} \] No If yes, the order protects (check all that apply):
	\square Me \square The person in \bigcirc \square The persons in \bigcirc \bigcirc .
1 77	(Attach a copy of the order if you have one.)
	the person in 2 harassed you at other times? Yes \sum No (If yes, describe prior incidents and provide dates of harassment below):
	Tes

	Check the orders you want. ☑	
8	☐ Personal Conduct Orders	
	ask the court to order the person in (2) not to do any protected listed in (3) :	y of the following things to me or to any person to be
	a. Harass, intimidate, molest, attack, strike, stalk personal property of, or disturb the peace of the	x, threaten, assault (sexually or otherwise), hit, abuse, destroy he person.
		y, in any way, including, but not limited to, in person, by il, by interoffice mail, by email, by text message, by fax, or by
	c. Other (specify):	
		or your answer. Put your complete answer on the attached "Attachment 8c—Other Personal Conduct Orders," for a
	The person in 2 will be ordered not to take any person unless the court finds good cause not to m	action to get the addresses or locations of any protected nake 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. (8)) My vehicle.
	(2) \square The other persons listed in \bigcirc . (9)	Other (specify):
	$(3) \square My home.$	
	(4) My job or workplace.	
	(5) My school.	
	(6) My children's school.	
	(7) My children's place of child care.	
		from all the places listed above, will he or she still be able to es \(\subseteq \text{No} \((\lf no, explain below): \)
	<u>-</u>	ur answer. Put your complete answer on the attached sheet of
<u> </u>	Since and A Course Since and A course	
10)	Firearms (Guns), Firearm Parts, and Amm	
		guns), firearm parts, or ammunition? This includes firearm as or easily turned into a receiver or frame (see Penal Code now
	receiving, or attempting to purchase or receive firear	will be prohibited from owning, possessing, purchasing, rms (guns), firearm parts, and ammunition while the protective
		red to turn in to law enforcement, or sell to or store with a parts within their immediate possession or control. If an order
	is granted, the person in 2 will also be prohibited fr	rom owning, possessing, or buying body armor and would have
	to relinquish any they have. This is not a	a Court Order.

Temporary Restraining Order I request that a Temporary Restraining Order (TRO) be issued against the person in ② to last until am presenting form CH-110, Temporary Restraining Order, for the court's signature together with							
Has the person in 2) been told that you were going to go to court to seek a TRO against him or here. 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 attack.							
paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.							
☐ Request to Give Less Than Five Days' Notice of Hearing							
You must have your papers personally served on the person in $\textcircled{2}$ at least five days before the heacourt orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal CH-200, Proof of Personal Service, may be used to show the court that the papers have been serve	Service"? Form						
If you want there to be fewer than five days between service and the hearing, explain why below:							
□ No Fee for Filing or Service							
a. There should be no filing fee because the person in 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 about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.							
	use my request ree because I an						
for orders is based on unlawful violence, a credible threat of violence, or stalking. There should be no filing fee and the sheriff or marshal should serve the person in ② for feentitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver and Costs.) Lawyer's Fees and Costs	use my request ree because I an						
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 entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver and Costs.)	use my request ree because I an						
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	request that a Temporary Restraining Order (TRO) be issued against the person in ② to last until the person of CH-110, Temporary Restraining Order, for the court's signature together with the person in ② been told that you were going to go to court to seek a TRO against him or head the person in ② been told that you were going to go to court to seek a TRO against him or head to yet a complete answer on the attack paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title. Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice of Hearing Request to Give Less Than Five Days' Notice Request Request to Give Less Than Five Days' Notice Request Reque						

) 🗆	Possession and Protection of Animals	
Ιa	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, poslease, keep, or hold, or which reside in my household. (Identify animals by, e.g., type, breed, name, color, sex.)	sess,
	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 paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.	l sheet
	That the marson in 2 moves stay at least would array from and not take call transfer arrays	hor
b. П	That the person in 2 must stay at least yards away from, and not take, sell, transfer, encun conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. Additional Orders Requested ask the court to make the following additional orders (specify):	ioci,
	conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. Additional Orders Requested	
I a	Additional Orders Requested 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 sh paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.	
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DRAFT 2024-01-22 Not approved by the Judicial Council

CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a civil harassment restraining order?

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

Can I get a civil harassment restraining order?

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

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

How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts, 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 he or she owes you
- Order someone to move out of rental property that you
- 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 www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

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

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



CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

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
- 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.

a. You You Nar Firm b. You If you have Add City Tele E-N	n Name: Ir Address (If you have a lawye and o not have a lawye ade, you may give a die to give telephone, fairess: Ephone:	one for this case): State B. State B. The a lawyer, give your lawer and want to keep your ferent mailing address in k, or e-mail.):	yer's information. home address	Fill in court name and steel address: Superior Court of California, Counth
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>	_		Name and addr	ress of court if different from above:
Heari		Time:	_	
Date	Dept.:	Room:		
				CH-110, served with this notice.)
		rders for personal conduction of the conduction		lers as requested in Form CH-100, box below):
(1)	☐ All GRANTED u	until the court hearing.		
(2)	☐ All DENIED unt	il the court hearing. (Spec	ify reasons for deni	ial in b, below.)
(3)	☐ Partly GRANTE	D and partly DENIED ur	ntil the court hearing	g. (Specify reasons for denial in b, bel
	difornia, www.courts.ca.gov	Notice of C	ourt Hearing	CH-109, Page

CH-100-INFO

Can a Civil Harassment Restraining Order Help Me?

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 <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter</u>.

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.

	CH-109	otice of Court Hearin	ıg	Clerk stamps date here when form is filed.	
1	Person Seeking Pro a. Your Full Name:	otection		DRAFT 2024-01-22	
	•	have one for this case):	N	Not approved by the Judicial Council	
	Name: State Bar No		r No.:	_ _	
	, , ,	have a lawyer, give your lawy	Fill in court name and street address:		
		awyer and want to keep your h a different mailing address in e, fax, or email.)		Superior Court of California, County of	
	Address:				
	City:	State:	_ Zip:	_	
	Telephone:	Fax:		Court fills in case number when form is filed.	
	Email Address:			Case Number:	
3	Notice of Hearing A court hearing is sc	heduled on the request fo		ders against the person in 2:	
	Hearing → Date:	Time:			
	Date Dept.:	Room:			
To t	ne person in 2:				
		person, by phone, or by video we immediately, and you coul	· ·	e judge grants a restraining order against violate the order.	
	-	ring, the judge may still grant to	-	r that could last up to five years. After you	
4	a. Temporary Restrainir		t and stay-away ord	CH-110, served with this notice.) lers as requested in form CH-100, Requestow):	
	(1) All GRANT	ED until the court hearing.			
	(2) All DENIED	until the court hearing. (Spec	ify reasons for deni	ial in b, below.)	

(3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

	b.		denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, <i>Civil Harassment Restraining Orders</i> , are:
		cours	facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a see of conduct that seriously alarmed, annoyed, or harassed the person in 1 and caused substantial ional distress.
		(2) Other	r (specify): As stated on Attachment 4b.
5)	Co	onfidential	Information Regarding Minor
	a.		t to Keep Minor's Information Confidential (form CH-160) was made and GRANTED . (See form Order on Request to Keep Minor's Information Confidential, served with this form.)
	b.	kept CONFI	at was granted, the information described in item 7 on the order (form CH-165) must be DENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a \$1,000 or other court penalities.
6	Se	ervice of Do	ocuments for the Person in 1
	pr		days before the hearing, someone age 18 or older—not you or anyone to be t personally give (serve) a court's file-stamped copy of this form CH-109 to the person in 2 y of all the forms indicated below:
	a.	CH-100, Req	uest for Civil Harassment Restraining Orders (file-stamped)
	b.	_	Temporary Restraining Order (file-stamped) IF GRANTED
	c.	CH-120, Resp	ponse to Request for Civil Harassment Restraining Orders (blank form)
	d.	CH-120-INF	O, How Can I Respond to a Request for Civil Harassment Restraining Orders?
	e.		Notice of Order Protecting Information of Minor and CH-165, Order on Request to Keep Minor's on Confidential (file-stamped) IF GRANTED
	f.	•	pecify):
		Date:	
			Judicial Officer

19

Case Number:	

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) and firearm parts 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 www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

-Clerk's Certificate-

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

Clerk's Certificate [seal]	Date:	_
	Clerk, by	, Deputy

CH-110	Temporary R	•			
Person in (1) mu	st complete items(1),	(2), and (3) only	·.		
Protected Per a. Your Full Nar	son				DRAFT 2024-01-23
	(if you have one for th	~ -	· No.:	I	ot approved by Judicial Council
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City:		State:	Zip:	_	
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Email Address	s:			Court fills in cas	se number when form is filed
Restrained Pe	erson			Case Numbe	er:
to add this order	to the California polic	formation with a . ce database. If ag		ve an estimate.)	1
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Case Number:		

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	Pe	ersonal 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).
		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)	St	tay-Away Order
	Ш	Not Requested Denied Until the Hearing Granted as Follows:
	a.	You must stay at least yards away from <i>(check all that apply):</i> (1) \[\begin{align*} \text{The person in } \begin{align*} \text{1} \\ \text{2} \\ \text{Each person in } \begin{align*} \text{3} \\ \text{1} \\ \text{The place of child care of the children of the person in } \begin{align*} \text{1} \\ \text{2} \\ \text{2} \\ \text{3} \\ \text{2} \\ \text{2} \\ \text{3} \\ \text{4} \\ \text{4} \\ \text{4} \\ \text{2} \\ \text{2} \\ \text{3} \\ \text{4} \\ \text{4} \\ \text{4} \\ \text{4} \\ \text{5} \\ \text{4} \\ \text{6} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{6} \\ \text{6} \\ \text{7} \\ \text{7} \\ \text{6} \\ \text{7} \\ 7
		(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.
7		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

	. Prohibited items are:	
	Prohibited items are:	
	Prohibited items are:	
	. I I ombitted items the	
	(1) Firearms (guns);	
	(2) Firearm parts, meaning receivers, frames, or any item that may be used frame (see Penal Code section 16531); and(3) Ammunition.	as or easily turned into a receiver or
c.	. You must:	
	(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement firearm parts in your immediate possession or control. This must be do with this Order.	
	(2) File a receipt with the court within 48 hours of receiving this Order that and firearm parts have been turned in, sold, or stored. (You may use <i>ReParts</i> (form CH-800) for the receipt.)	
d.	. The court has received information that you own or possess a firearm (g	gun), firearm parts, or ammunition.
No	lo Body Armor	
arm	You cannot own, possess, or buy body armor (defined in Penal Code section 16 rmor you have in your possession.	5288). You must relinquish any body
	Possession and Protection of Animals Not Requested Denied Until the Hearing Grant	ted as Follows (specify): animals listed below, which are
Po □ a.	Possession and Protection of Animals Not Requested Denied Until the Hearing Grant The person in 1 is given the sole possession, care, and control of the a owned, possessed, leased, kept, or held by him or her, or reside in his or	ted as Follows (specify): animals listed below, which are her household.
Po a.	Possession and Protection of Animals Not Requested Denied Until the Hearing Grant The person in 1 is given the sole possession, care, and control of the a owned, possessed, leased, kept, or held by him or her, or reside in his or (Identify animals by, e.g., type, breed, name, color, sex.) The person in 2 must stay at least yards away from, and not take the control of the animals by the color, sex.)	ted as Follows (specify): animals listed below, which are her household.

Case Number:		

	To the Person in 1:		
11)	Mandatory Entry of Order Into CARPOS Through CLETS		
	This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). <i>(Check one)</i> :		
	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 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 11.		
12	No Fee to Serve (Notify) Restrained Person		
	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.		

Warnings and Notices to the Restrained Person in 2

Judicial Officer

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

Number of pages attached to this Order, if any:

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) and firearm parts 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.

This is a Court Order.



Date:

Case Number:		

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 www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

This is a Court Order.



Case Number:

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

(Clerk will fill out this part.) —Clerk's Certificate— 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. Clerk, by , Deputy Date:

CH-120

Response to Request for Civil **Harassment Restraining Orders**

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

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

DRAFT 2024-01-29 Not approved by the Judicial Council

hearing. Write your hearing date, time, and place

orders against you that last for up to five years.

Clerk stamps date here when form is filed.

1)	Person Seeking Protection	on	
	Full name of person seeking pro-	tection (see form CH-100, item (1)):	Fill in court name and street address:
2	Person From Whom Prote		Superior Court of California, County of
	a. Your Name: Your Lawyer (if you have on Name:	e for this case) State Bar No.:	_
	Firm Name:	State Bal 116	Court fills in case number when form is filed.
	b. Your Address (If you have a	lawyer, give your lawyer's information.	Case Number:

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: Present your response and any opposition at the

Zip:

State.	zip	from form CH-109 item (3 here:
Telephone:	_ Fax:		Time:
Email Address:		Hearing Date: Date Dept.:	Room:
☐ Personal Conduct Orders		If you were served with	
a. I agree to the orders requested.		Restraining Order, you hearing. At the hearing,	-
b. I do not agree to the orders reque	ested.	orders against you that la	st for up to five years.

c. I agree to the following orders (Specify below or in item (12) on page 4.)

(Specify why you disagree in item (12) on page 4.)

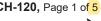
Stay-Away	Orders
	Stay-Away

City:

a. \(\preceq\) 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. \square I agree to the following orders (specify below or in item (12) on page 4):



		_					
5)	☐ Additional Protected Persons						
	a. I agree that the persons listed in item 3 of form CH-100 may be pro	otected 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	arms (Guns), Firearm Parts, and Ammunition					
	If you were served with form CH-110, <i>Temporary Restraining Order</i> , yo (guns), firearm parts, or ammunition. This includes firearm receivers a used as or easily turned into a receiver or frame (see Penal Code section CH-110.) You must sell to or store with a licensed gun dealer, or turn in firearms (guns) or firearm parts in your immediate possession or contrawith form CH-110. You must file a receipt with the court. You may use <i>Parts</i> (form CH-800) for the receipt.	and frames, and any item that may be n 16531). (See item 7 of form n to a law enforcement agency, any ol within 24 hours of being served					
	a. I do not own or control any firearms (guns), firearm parts, or ammur	nition.					
	 b. I ask for an exemption from the firearms prohibition under Code of carrying a firearm is a condition of my employment, and my employ position where a firearm is unnecessary. (Explain): Check here if there is not enough space below for your answer. If sheet of paper and write "Attachment 6b—Firearms Surrender MC-025, Attachment. 	Put your complete answer on an attached					
	c. I have turned in my firearms (guns) and firearm parts to the police of licensed gun dealer.	r sold them to or stored them with a					
	A copy of the receipt is attached. has already been filed	with the court.					
7	No Body Armor						
	If you were served with form CH-110, <i>Temporary Restraining Order</i> , you are or buying body armor. You must also relinquish any body armor you have it						
	(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 bod by a chief of police or sheriff. See Penal Code section 31360(c). (Attapermission, if you have one.)	*					

			Case Number:
8	a. [b. [c. [Possession and Protection of Animals I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in it. I agree to the following orders (specify below or in item 12 on page 4)	_
9	a. [b. [c. [Other Orders I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in ite I agree to the following orders (specify below or in item 12 on page 4	
10	_	Denial I not do anything described in item (7) of form CH-100. (Skip to (12))	
11)	If I of the f	Justification or Excuse did some or all of the things that the person in 1 has accused me of, my following reasons (explain): Check here if there is not enough space below for your answer. Put your of paper and write "Attachment 11—Justification or Excuse" as a title. You	complete answer on an attached sheet
	- - - - -		
	-		

				Case Number:				
2 [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.						
3	□ No Fee fo	r Eiling						
3)	a. I request		he filing fee because the person	on in ① claims in form CH-100 item ①				
	b. I request	_	he filing fee because I am elig filed separately.)	tible for a fee waiver. (Form FW-001,				

		Case Numb	per:
☐ Lawyer's Fees and Cos	ts		
a. I ask the court to order pa The amounts requested an	yment of my Lawyer's fere:	ees Court costs.	
<u>Item</u>	<u>Amount</u>	<u>Item</u>	Amount
	\$		<u> </u>
costs. Number of pages attached to this	form, if any:		
Date:			
Lawyer's name (if	Cany)	Lawyer	r's signature
I declare under penalty of perjury attachments is true and correct.	under the laws of the State of	California that the info	rmation above and on all
Date:			
Type or print your	name	Sign	vour name

DRAFT 2024-01-23 Not approved by the Judicial Council

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 he or she has been or is being:

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

I've been served with a request for civil harassment restraining orders. What do I do now?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form CH-120, Response to Request for Civil Harassment Restraining Orders, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/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

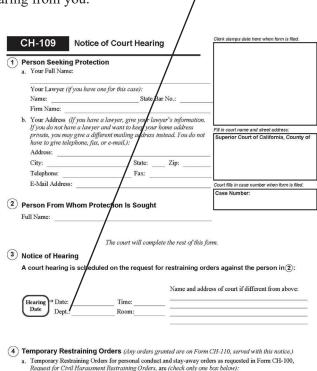
Do I have to serve the other person with a copy of my response?

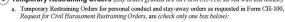
Yes. Have someone age 18 or older—not you—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

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.



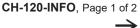


(1) All GRANTED until the court hearing.

(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 CH-109, Page 1 of 3



How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to 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 <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter</u>.

What if I have a gun?

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

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

No. Once the order is issued, only the judge can change or cancel it. You or the 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.

H-130 Civil Harassment Restraining Order After Hearing			Clerk stamps date here when form is filed.			
Person in 1 must complete Protected Person	ete 1), 2), and 3	only.			DRAFT	
a. Your Full Name:					2024-01-23	
Your Lawyer (if you h					Not approved by the Judicial Council	
Name:		State Bar No.: _			the Judicial Council	
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			L			
private, you may give of have to give telephone,	a different mailing a , fax, or email.)	ddress instead. Yo	ou do not		t name and street address: r Court of California, County o	
Address:						
Telephone:						
Email Address:				Court fills i	in case number when form is filed.	
Restrained Person (Give all the information y to add this order to the Co			_	Case Nu	mber:	
to add this order to the California police database. If age is unknown, give an estimate.)						
*Full Name:			*Age:	I	Date of Birth:	
					Date of Birth: Eye Color:	
	Height:	Weight:	Hair	Color: _		
*Race: *Gender: M F	Height:	Weight:	Hair	Color:	Eye Color:	
*Race:	Height:	Weight:	Hair	Color:	Eye Color:	
*Race:*Gender: _ M _ F City: Relationship to Protected Additional Protec In addition to the person in	Height:	Weight: Iome Address: State:	Hair Zip:	Color:	Eye Color:	
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the person in the orders indicated below	Height:	Weight: Iome Address: State: lowing family or limits or limits and limits are limits.	Hair Zip:	Color:	Eye Color: of that person are protected b	
*Race:*Gender: _ M _ F City: Relationship to Protected Additional Protec In addition to the person n	Height:	Weight: Iome Address: State:	Hair Zip: household r	members ovith you?	Eye Color: Of that person are protected b How are they related to you	
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the person in the orders indicated below	Height:	Weight: Iome Address: State: lowing family or limits or limits and limits are limits.	Hair Zip: household r Lives w _	members ovith you?	Eye Color: Of that person are protected by How are they related to you	
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the person in the orders indicated below	Height:	Weight: Iome Address: State: lowing family or limits or limits and limits are limits.	Hair Zip: household r Lives w Yes Yes	members ovith you? S	Eye Color: of that person are protected by How are they related to you	
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the person in the orders indicated below	Height:	Weight: Iome Address: State: lowing family or limits or limits and limits are limits.	household r Lives w Yes Yes Yes	members ovith you? S	Eye Color: of that person are protected b	
*Race:*Gender: _ M _ F City: Relationship to Protected Additional Protec In addition to the person in the orders indicated below Full Nat	Height:	Weight: State: State: State: Gender Age Gender Age List them on an You may use form	Hair Zip: household r Lives w Yes Yes Yes Yes Attached sh	members of vith you? S	Eye Color: Of that person are protected be How are they related to you her and write "Attachment 3-	

This is a Court Order.

Judicial Council of California, <u>www.courts.ca.gov</u>
Rev. <u>January 1, 2025, Mandatory Form</u>
Code of Civil Procedure, §§ 527.6 and 527.9 **Civil Harassment Restraining Order After Hearing** (CLETS-CHO) Approved by DOJ

CH-130, Page 1 of 6



			ase number:				
5 Hearing							
a. There was a hearing on (date):(Name of judicial officer):							
b. These people were at the hearing:				· ·			
(1) \square The person in \bigcirc . (3) \square The lawyer	er for the pe	erson in 1 (nan	ıe):				
(2) \square The person in 2 . (4) \square The lawyer	er for the po	erson in 2 (nan	ıe):				
☐ Additional persons present are listed at the	e end of thi	s Order on Attach	nment 5.				
c. The hearing is continued. The parties mus				at (time):			
To the	e Person	in ② :					
The court has granted the orders checked beloand charged with a crime. You may be sent to							
6 □ Personal Conduct Orders							
a. You must not do the following things to the p	erson name	ed in 1					
and to the other protected persons listed in	3 :						
(1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit 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, ir telephone, in writing, by public or private mail, by interoffice mail, by email, by text messa or by other electronic means.							
(3) Take any action to obtain the person' found good cause not to make this or		or location. If this	item (3) is no	t checked, the court has			
(4) \square Other (specify):							
☐ Other personal conduct orders are	e attached a	t the end of this (Order on Attac	chment 6a(4).			
b. Peaceful written contact through a lawyer or a court case is allowed and does not violate the		ver or other perso	on for service	of legal papers related to			
(7) □ Stay-Away Orders							
a. You must stay at least yards a	way from (check all that app	oly):				
(1) \square The person in $\boxed{1}$.	$(7) \Box \Box$	The place of child	care of the cl	nildren of			
(2) Each person in 3.	t	he person in 1 .					
(3) \square The home of the person in \bigcirc .	(8)	The vehicle of the	person in 1				
(4) The job or workplace of the person in 1.	(9)	Other (specify):					
(5) \square The school of the person in \bigcirc .							
(6) The school of the children of the person in 1.							
b. This stay-away order does not prevent you fro	om going to		me or place of	f employment.			

Rev. January 1, 2025

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 and 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) and firearm parts 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) and firearm parts have been turned in, sold, or stored. (You may use <i>Receipt for Firearms and Firearm Parts</i> (form CH-800) for the receipt.) 				
d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.				
e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):				
The firearm must be in the physical possession of the person in ② only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.				
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.				
☐ Lawyer's Fees and Costs				
The person in must pay to the person in the following amounts for				
☐ lawyer's fees ☐ costs:				
<u>Item Amount Item Amount</u>				
Additional items and amounts are attached at the end of this Order on Attachment 10.				
This is a Court Order.				
Civil Herecoment Beatraining Order After Hearing Out 400 5 - 2 (c				

Rev. January 1, 2025

11)	a. The person in owned, posse	and Protection of Animals (1) is given the sole possession, care, a ssed, leased, kept, or held by him or her hals by, e.g., type, breed, name, color, see	, or reside in his or her household.	, which are
12	-	strike, threaten, harm, or otherwise dis	y from, and not take, sell, transfer, encepose of, the animals listed above.	umber, conceal,
	☐ Additional or	ders are attached at the end of this Orde To the Person	-	
13	This Order must be a California Law Enfo a. The clerk will b. The clerk will into CARPOS c. By the close of	of business on the date that this Order is y of the Order and its proof-of-service for	nd Protective Order System (CARPOS CLETS). (Check one): ce form into CARPOS. rvice form to a law enforcement agency made, the person in 1 or his or her la	y to be entered awyer should
		of Law Enforcement Agency	Address (City, State, Zip)	<u>)</u>
	Additional	law enforcement agencies are listed at t	the end of this Order on Attachment 1.	3.
14)	 a.	r on Restrained Person 2 personally attended the hearing, eithere). No other proof of service is needed 2 did not attend the hearing. service of form CH-110, <i>Temporary Res</i> ervices in this form are the same as in form be served with this Order. Service may	d. Straining Order, was presented to the orm CH-110 except for the expiration da	court. The
		e's orders in this form are different from but not anyone in 1 or 3 — must pe	ersonally serve a copy of this Order on	
		This is a Court	Orger.	

Rev. January 1, 2025

CH-130, Page 4 of 6

15)	□ 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 is entitled to a fee waiver.
16	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) and firearm parts that you have or control as stated in (8) above. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see (14)), 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.

This is a Court Order.

Rev. January 1, 2025

CH-130, Page 5 of 6



Case Number:		

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 (14)) or was informed of the order by an officer.

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate (Clerk will fill out this part.) [seal] —Clerk's Certificate—				
I certify that this <i>Civil Harassment Restraining Order After Hearing</i> is a true and correct copy of the original on file in the court.				
Date:, Deput				
	This is a Court Order.			

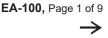
EA-100

Request for Elder or Dependent Adult Abuse Restraining Orders

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form <u>EA-100-INFO</u>) before completing this form. Also fill out *Confidential CLETS Information* (form <u>CLETS-001</u>) with as much information as you know.

	tion as you know.		Not approved by
) E	lder or Dependent Adult in Need of Pro	otection	the Judicial Council
F	ıll Name:		_
G	ender: M F Nonbinary Age: _		
) P	erson From Whom Protection Is Soug	ht	Fill in court name and street address:
/	ıll Name:		Superior Court of California, County of
	ddress (if known):		_
C	ity: State: _	Zip:	_ _
	erson Requesting Order		
/	Tho is asking the court for protection? (Check a, b	, or c):	Court fills in case number when form is filed.
a.	The elder or dependent adult named in 1.		Case Number:
b.	☐ Name:		_
	conservator of the person estate of the person named in 1, appointed by (no Case No.:	ame of court):	
c.			
	(Show this person's legal authority to make this Information About Person Requesting Protectiv	request on an attach	ed sheet of paper. Write "Attachment 3c—
) C	ontact Information		
С	ontact information for the person asking the court	for protection	
a.	Your Lawyer (if you have one for this case)		
a.		State Bar No.:	
a.		_ State Bar No.:	
	Name:	awyer's information. a different mailing ac	If you do not have a lawyer and want to ddress instead. The person in 1 does not
	Name: Firm Name: Your Address (If you have a lawyer, give your l keep your home address private, you may give have to give telephone, fax, or email.)	awyer's information. a different mailing ac	If you do not have a lawyer and want to ddress instead. The person in 1 does not
	Name: Firm Name: Your Address (If you have a lawyer, give your l keep your home address private, you may give have to give telephone, fax, or email.)	awyer's information. a different mailing ac	If you do not have a lawyer and want to ddress instead. The person in 1 does not

This is not a Court Order.



Clerk stamps date here when form is filed.

DRAFT

2024-01-23

Full Name Gender Age Relation to person in 1? Yes N Yes N Yes N Yes N				
The person named in ① (check a or b): a. Sage 65 or older and a resident of California. b. Sa resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.) Additional Protected Persons a. Are you asking for protection for any other family or household members or for the conservator of the elder dependent adult listed in ①? See No (If yes, list them): Full Name Gender Age Relation to person in ①? See Nes No See	Description of Protected Person			
a. ☐ Is age 65 or older and a resident of California. b. ☐ Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.) Additional Protected Persons a. Are you asking for protection for any other family or household members or for the conservator of the elder dependent adult listed in ①? ☐ Yes ☐ No (If yes, list them): Full Name ☐ Gender Age Relation to person in ①? ☐ Yes ☐ No ☐ Yes ☐ Yes ☐ Yes ☐ No ☐ Yes	•			
b. ☐ Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.) Additional Protected Persons a. Are you asking for protection for any other family or household members or for the conservator of the elder dependent adult listed in ①? ☐ Yes ☐ No (If yes, list them): Full Name ☐ Gender Age Relation to person in ①? ☐ Yes ☐ No ☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protections" 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. Relationship of Parties How does the person in ④ 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 6b—Why Others Need Protection" for a title.	_ ·	lifornia		
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a. Are you asking for protection for any other family or household members or for the conservator of the elder dependent adult listed in ①? □ Yes □ No (If yes, list them): Full Name Gender Age Relation to person in ①? □ Yes □ No □	restrict his or her ability to carry out n limitations on the attached sheet of page	ormal activities or t	o protect his or her rights. (B)	riefly describe
dependent adult listed in ①? ☐ Yes ☐ No (If yes, list them): Full Name ☐ Gender Age Relation to person in ①? ☐ Yes ☐ No ☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protes 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. 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 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer.				
Full Name Gender Age Relation to person in 1? Lives with person in 1? Yes N Yes N Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protest 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. 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 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of				vator of the elder of
Yes N Yes			,	Lives with perso
Yes N N Yes N N Yes N N N N N N N N N	<u>Full Name</u>	Gender Age	Relation to person in (1)?	
Yes N N Yes N N Yes N N Yes N N N N N N N N N				_ 🖵 💮
Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protes 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. 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 the check here if there is not enough space for your answer. Put your complete answer on the attached sheet of the check here if there is not enough space for your answer. Put your complete answer on the attached sheet of				_
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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 "Attach	ment 6b—Why Othe	ers Need Protection" for a tit	le.
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☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of	Relationship of Parties			
☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of	How does the person in (1) know the person	in (2) ? (Explain be	elow):	
		_		attached sheet of
	0 1 0	•		V
	This	is not a Court C)rder	

Request for Elder or Dependent Adult Abuse **Restraining Orders**

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			Case Number:
De	escr	ription of Abuse	
	Abu (1)	use means either: Physical abuse, neglect, financial abuse, abandonment, isolation, abduresulting physical harm or pain or mental suffering; or The withholding by a caretaker of goods or services that are necessary suffering.	
b.		If the court about the last time the person in 2 abused the person in 1).
	(1) (2)		
	(3)	Describe what happened below. Check here if there is not enough space for your answer. Put you sheet of paper or form MC-025 and write "Attachment 8b(3)—Described below.	
	(4)	Was the abuse solely financial abuse unaccompanied by force, threa other form of abuse? Yes, only financial abuse. No, the abuse included other form	·
	(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 sheet of paper or form MC-025 and write "Attachment 8b(5)—Us	n? r complete answer on the attached
	(6)	Was the person in 1 harmed or injured as a result of the acts of abus Yes No (If yes, explain below): Check here if there is not enough space for your answer. Put your sheet of paper or form MC-025 and write "Attachment 8b(6)—Ho	r complete answer on the attached
	(7)	If yes, did they give the person in ① or the person in ② an Emerge If yes, the order protects (check all that apply):	ency Protective Order? \(\subseteq \text{ Yes } \subseteq \text{ No sons in } \(\begin{center} \begin{center} \text{ Sons in } \(\begin{center} \begin{center} \text{ Yes } \subseteq \text{ No } \\ \text{ Sons in } \(\begin{center} \begin{center} \text{ Sons in } \(\begin{center} \begin{center} \text{ Sons in } \\ \begin{center} \begin{center} \begin{center} \text{ Sons in } \\ \begin{center} \begin{center} \begin{center} \text{ Sons in } \\ \begin{center} \begin{center} \text{ Sons in } \\ \text{ Sons in } \\ \begin{center} \text{ Sons in } \\ \

This is not a Court Order.

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8 c	c.	person to have or receive, or did not provide the physical harm or mental suffering? Yes (If yes, describe below what the person was defined on th					
	d.	Has the person in ② abused the person in ① Yes No (If yes, describe prior incide) Check here if there is not enough space for paper or form MC-025 and write "Attachman."	nts and provide dates below): r your answer. Put your complete answer on the attached sheet of				
9	wia.	hy are you filing in this county? (Check all that The person in 2 lives in this county. The person in 1 was abused by the person					
_	c.	e. Other (specify):					
10		ther Court Cases					
	a.		ned in 6 been involved in another court case with the person kind of each case and indicate where and when each was filed): Filed in (County/State) Year Filed Case Number (if known)				
		(9) Small Claims					
		(10) ☐ Criminal					
		(11) Other (specify):	·				
	b.	named in 6 and the person in 2 ? No	lers in effect relating to the person in ① or any of the persons ☐ Yes (If yes, attach a copy if you have one.) ot a Court Order.				

onal Conduct Orders court to order the person in ② not to do any of the following things to the person in ① or to any person exted listed in ⑥: ysically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or nerwise), hit, harass, destroy the personal property of, or disturb the peace of the person. ontact the person, either directly or indirectly, in any way, including, but not limited to, in person, by ephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by her electronic means. Therefore, 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.
court to order the person in ② not to do any of the following things to the person in ① or to any person exted listed in ⑥: ysically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or nerwise), hit, harass, destroy the personal property of, or disturb the peace of the person. Intact the person, either directly or indirectly, in any way, including, but not limited to, in person, by ephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by her electronic means. Therefore, 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
court to order the person in 2 not to do any of the following things to the person in 1 or to any person ected listed in 6 : ysically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or nerwise), hit, harass, destroy the personal property of, or disturb the peace of the person. ontact the person, either directly or indirectly, in any way, including, but not limited to, in person, by ephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by her electronic means. Therefore, 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
nerwise), hit, harass, destroy the personal property of, or disturb the peace of the person. Intact the person, either directly or indirectly, in any way, including, but not limited to, in person, by ephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by her electronic means. The 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
ephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by ner electronic means. ther (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
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
sheet of paper or form MC-025 and write "Attachment 11c—Other Personal Conduct Orders" for a
n in 2) will be ordered not to take any action to get the addresses or locations of any protected person
court finds good cause not to make the order.
-Away Orders
ne court to order the person in ② to stay at least yards away from (check all that apply):
The elder or dependent adult in 1.
The persons in 6 .
The home of the elder or dependent adult.
The job or workplace of the elder or dependent adult.
The vehicle of the elder or dependent adult.
Other (specify):
court orders the person in 2 to stay away from all the places listed above, will he or she still be able to his or her home, school, or job? Yes No (If no, explain below):
neck here if there is not enough space for your answer. Put your complete answer on the attached sheet of per or form MC-025 and write "Attachment 12b—Stay-Away Orders" for a title.

This is not a Court Order.

		Case Number:			
13)	☐ Move-Out Order				
10)	I ask the court to order the person in 2 to move out from and not re	eturn 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. (Exp	olain below):			
	☐ Check here if there is not enough space for your answer. Put paper or form MC-025 and write "Attachment 13b—My Right".				
14)	☐ Order for Counseling or Anger Management Cours	ses			
_	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 (management courses.	2 attend clinical counseling or anger			
	☐ Check here if there is not enough space for your answer. Put paper or form MC-025 and write "Attachment 14b— Counse				
15)	Firearms (Guns), Firearm Parts, and Ammunition				
	Does the person in ② own or possess any firearms (guns), firearm pareceivers and frames, and any item that may be used as or easily turn section 16531).	ned into a receiver or frame (see Penal Code			
	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) and firearm parts 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.				

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders

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45

	Case Number:			
	issued against the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in 2 to last until the hearing. In the person in the perso			
Has the person in ② been told that you were going to go Yes No (If you answered no, explain why	o to court to seek a TRO against them? below): swer. Put your complete answer on the attached sheet of			
□ Paguast to Give Less Then Five Days' N	ation of Haaring			
court orders a shorter time for service. (Read form EA-	rson in (2) at least five days before the hearing, unless the 200-INFO, What Is "Proof of Personal Service"?, to learn rsonal Service, may be used to show the court that the paper.			
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.				
	ain debts or bills you have were caused by the person in the debt if you are sued in another case.			
You can ask the judge to decide at the hearing that certa 2's financial abuse. This may help you defend against a. If you want the judge to make this special finding, li in 2's financial abuse.	the debt if you are sued in another case. ist the debts or bills you have that were caused by the per			
You can ask the judge to decide at the hearing that certa 2's financial abuse. This may help you defend against a. If you want the judge to make this special finding, li in 2's financial abuse.	the debt if you are sued in another case. Ist the debts or bills you have that were caused by the per The bills that were caused by financial abuse. You can attack			
You can ask the judge to decide at the hearing that certa 2's financial abuse. This may help you defend against a. If you want the judge to make this special finding, li in 2's financial abuse. Check here if you want to list additional debts on	the debt if you are sued in another case. Ist the debts or bills you have that were caused by the per Is bills that were caused by financial abuse. You can attack It itional Debts" for a title. For Amount S S			

Rev. January 1, 2025

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			Case Number	:
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 and write "Attachment 19—Lawye			of paper or form MC-025
20	☐ Possession and Protection	of Animals		
	I ask the court to order the following:			
	a. That the person in 1 be given own, possess, lease, keep, or ho (Identify animals by, e.g., type,	old, or which reside in the	eir household.	s listed below, which they
	I request sole possession of the anii ☐ Check here if there is not enoug paper or form MC-025 and write	gh space for your answer	Put your complete answe	r on the attached sheet of
	b. That the person in 2 must stay conceal, molest, attack, strike, t		ay from, and not take, sell ise dispose of, the animals	
21)	No Fee to Serve Orders If you we for free, ask the court clerk what you n		ul to serve (notify) the pers	on in 2 about the orders
		This is not a Court	Order	

│	
I ask the court to make the following additional order	ers (specify):
☐ Check here if there is not enough space for your paper or form MC-025 and write "Attachment 2	answer. Put your complete answer on the attached sheet of 2—Additional Orders Requested" for a title.
N1	
Number of pages attached to this form, if any:	<u> </u>
Date:	
Lawyer's name (if any)	Lawyer's signature
I declare under penalty of perjury under the laws of the attachments is true and correct.	e State of California that the information above and on all
Date:	
Type or print your name	Signature of person making this request
Type of print your name	signature of person making this request

This is not a Court Order.

DRAFT 2024-01-23 Not approved by the Judicial Council

EA-100-INFO

Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order?

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

Can I get a restraining order?

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

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

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts, 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 <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

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

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

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

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

How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

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

What forms do I need to get the order?

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

Where can I get these forms?

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

What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

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

EA-100-INFO, Page 1 of 3



EA-100-INFO Can a Restraining Order to Prevent Elder or Dependent **Adult Abuse Help Me?**

How long does the order last?

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

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

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

What if the restrained person does not obey the order?

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

Do I have to go to court?

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

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

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

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030 for this.)

Do I need a lawyer?

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

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

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.

	Full Name:	ult in Need of Protection	
u.	□ Person requesting pro	tection for the elder or dependent ed in item (3) of Form EA-100):	adult, if
		above (if any for this case):	
		State Bar No.:	Fill in court name and street address:
b.	Firm Name:		Superior Court of California, Court
	for the person requesting address private, you may You do not have to give to		ur home nstead.
	Address:		Court fills in case number when form is fi Case Number:
	City:	State: Zip:	
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3 N A	Telephone: E-Mail Address: erson You Want Prote ull Name: hetice of Hearing court hearing is sched learing Date: Dept.: emporary Restraining Temporary Restraining O Request for Elder on Dep (1) All GRANTED (2) All DENIED unt	The court will complete the resulted on the request for restrations. Name: Room: Room: Orders (Any orders granted and dest for personal conduct and statement Adult Abuse Restraining Outlit the court hearing. (Specify reas	aining orders against the person in(2): and address of court if different from above: re on Form EA-110, served with this notice, y-away orders as requested in Form EA-100, rders are (check only one box below):



EA-100-INFO

Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

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

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

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.]

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.

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.

EA-109	Notice	of Court Hearing	Clerk stamps date here when form is filed.
Elder or D	•	ult in Need of Protection	DRAFT 2024-01-24
	on requesting prote ent (person name	ection for the elder or dependent adult, d in item (3) of form EA-100):	Not approved by the Judicial Council
	for person named	above (if any for this case):	
Name: _		State Bar No.:	Fill in court name and street address:
b. Address lawyer's for the pe	for person named information. If your serson requesting to private, you may serivate, you may serivate, you may serivate, you may serivate.	above (If you have a lawyer, give your ou do not have a lawyer, give informati the order. If you want to keep your hon give a different mailing address instead lephone, fax, or email.):	ion ne
	C	eprione, jux, or email.	Court fills in case number when form is filed.
		State: Zip:	Case Number:
		Fax:	I
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Email Ad			
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Full Name: Notice of A court he Hearing Date Temporar a. Temporar for Elder	Hearing aring is schedu Date: Dept.: e hearing (in personal literation of the order, york Restraining Order) on Dependent Advanced to the hearing of the order, york Restraining Order on Dependent Advanced to the hearing of the order, york Restraining Order on Dependent Advanced to the hearing of the order, york Restraining Order on Dependent Advanced to the hearing of the order, york Restraining Order on Dependent Advanced to the hearing of the order, york Restraining Order on Dependent Advanced to the hearing of the hearing	The court will complete the rest of to the court will complete the rest of the court will complete the rest of the court will complete the rest of the court will complete the restraining to the court will complete the restraining to the court will complete the restraining to the court will complete the court will complete the restraining to the court will complete the restraining to the court will complete the rest of the court will complete the restraining the court will complete the restraining the court will complete the restraining the court will consider the court will complete the restraining the court will be a considered with the court will complete the restraining the court will be a considered with the court will complete the restraining the court will be a considered with the court will b	and the judge grants a restraining order against fyou violate the order. g order that could last up to five years. After a order. form EA-110, served with this notice.) ay orders as requested in form EA-100, Requested.
Full Name: Notice of A court he Hearing Date Temporar a. Temporar for Elder (1)	Hearing aring is schedu Date: Dept.: e hearing (in persovill be effective in tend the hearing, topy of the order, yory Restraining Order on Dependent Adall GRANTED under the control of	The court will complete the rest of the court will complete the restraining. Name and a count of the court will consider the count of the court of the count of the court	and the judge grants a restraining order again if you violate the order. g order that could last up to five years. After corder. form EA-110, served with this notice.) ay orders as requested in form EA-100, Requeeck only one box below):

b. Rea	porary Restraining Orders (Continued) asons for denial of some or all of those personal conduct and stay-away -100, Request for Elder or Dependent Adult Abuse Restraining Orders	
(1)	☐ The facts as stated in form EA-100 do not sufficiently show reas acts of abuse of the elder or dependent adult by the person in ②	
(2)	☐ Other (specify): ☐ As stated on Attachment 4b.	
5) Servi	ice of Documents by the Person in 1	
protec	st five days before the hearing, someone age cted—must personally give (serve) a court file-stamped copy of this for person in 2 along with a copy of all the forms indicated below:	
a. EA	a-100, Request for Elder or Dependent Adult Abuse Restraining Order	s (file-stamped)
	EA-110, Temporary Restraining Order (file-stamped) IF GRANTEI	
	<u>x-120</u> , Response to Request for Elder or Dependent Adult Abuse Restro	· · · · · · · · · · · · · · · · · · ·
	<u>x-120-INFO</u> , How Can I Respond to a Request for Elder or Dependent Other(specify):	Adult Abuse Restraining Orders?
У.	omer(specify).	
Date:		1 2 22
	Judi	icial 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 <u>EA-200</u>, *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 <u>EA-115-INFO</u>, *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?*

Case Number:	

To the Person in 2:

- If you want to respond to the request for orders in writing, file form <u>EA-120</u>, 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 <u>EA-250</u>, *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) and firearm parts 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 www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

-Clerk's Certificate-

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

Clerk's Certificate			
[seal]	Date:	Clerk, by	, Deputy

EA-110	Temporary Restraining Order	
n in (1) must com	inplete items (1) , (2) , and (3) only.	_
•	der or Dependent Adult	DRAFT
a. Full Name:	aoi oi boponaoni xaani	2024-01-24
Person red	questing protection for the elder or dependent adult, in <i>(person named in item</i> 3) of form EA-100):	Not approved by the Judicial Council
	erson named above (if any, for this case):	
	State Bar No.:	Fill in court name and street address: Superior Court of California, County of
Firm Name:		
If you do not i private, you n	s (If you have a lawyer, give your lawyer's information have a lawyer and want to keep your home address may give a different mailing address instead. You do be telephone, fax, or email.):	
Address:		Court fills in case number when form is filed.
City:	State: Zip:	Case Number:
Telephone: _	Fax:	
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Restrained Po	erson ormation you know. Information with a star (*) is requ	
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Restrained Po (Give all the information database. If age if *Full Name: *Race: *Gender: Moditional In addition to the of that person are Check here if "Attachment" Expiration Date The information database. If age if age if a general information in the	rmation you know. Information with a star (*) is requise unknown, give an estimate.) Height: Weight: Weight: State: Zip Protected Person: Protected Persons e elder or dependent adult named in 1, the following exprotected by the temporary orders indicated below: Full Name Gender Age House Yeight Additional Protected Persons. List them on 3—Additional Protected Persons as a title. You may	Age: Date of Birth: Eye Color: of family or household members or conservate hold Member? Relation to Protected Person Yes No No No an attached sheet of paper and write y use form MC-025, Attachment.

Case	Number:		

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.

il the Hearing 🔲 Granted as Follows:
e elder or dependent adult named in 1
ed in 3 :
, intimidate, molest, attack, strike, stalk, threaten, assault (sexually o onal property of, or disturb the peace of the person.
or indirectly, in any way, including, but not limited to, in person, by private mail, by interoffice mail, by email, by text messages, by fax,
n's address or location. If this item (3) is not checked, the court has order.
are attached at the end of this Order on Attachment 5a(4).
I the Hearing □ Granted as Follows:
s away from <i>(check all that apply):</i> (5) The vehicle of the person in (1)
(6) ☐ Other (specify):
(b) \square Other (specify).
from going to or from your home or place of employment.
I the Hearing ☐ Granted as Follows:
return to (address):

EA-110, Page 2 of 6



	Case Number:
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) and firearm parts 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) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, <i>Receipt for Firearms and Firearm Parts</i> , for the receipt.)
	d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
9	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,
10)	Financial Abuse
	This case \square does not \square does involve solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.
11)	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 must stay at least yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.
	This is a Court Order.

Other Orders		
□ Not Requeste	ed Denied Until the	e Hearing Granted as Follows (specify):
Additional orders	are attached at the end of this	Order on Attachment 12.
	To the	Person in 1:
This Order must be ex California Law Enfor	rement Telecommunications S	raining and Protective Order System (CARPOS) through the System (CLETS). (Check one):
		of service form into CARPOS. of of service form to a law enforcement agency to be entered
c. By the close o	of business on the date that this of the Order and its proof of s	Order is made, the petitioner or the petitioner's lawyer shoul service form to the law enforcement agencies listed below to
Name of La	w Enforcement Agency	Address (City, State, Zip)
Additiona	l law enforcement agencies are	e listed at the end of this Order on Attachment 13.
	(Notify) Restrained Personal serves this Order, he or she	
Number of pages atta	ached to this Order, if any:	
Date:		

С	ase Numbe	r:		

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) and firearm parts that you have or control as stated in item (8). The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

This is a Court Order.



Case Number:

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

		(Clerk will fill out this part.) —Clerk's Certificate—	
Clerk's Certificate [seal]	I certify that this original on file in	Temporary Restraining Order is a true and correct copy of the n the court.	
	Date:	Clerk, by	, Deputy
		This is a Court Order.	

EA-120

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. <u>January 1, 2025, Mandatory Form</u>

Welfare and Institutions Code, § 15657.03

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

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 <u>EA-120-INFO</u>) 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.)

Elder or Dependent Adult Seeking Protection	
Name:	Superior Court of California, County of
☐ Name of person asking for the protection, if different person named in item ③ of the request (form EA-100).)	(This is the
Person From Whom Protection Is Sought	
a. Your Name:	Court fills in case number when form is filed.
Your Lawyer (if you have one for this case) Name: State Bar N Firm Name:	Vo.:
b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to ke your home address private, you may give a different me address instead. You do not have to give telephone, faremail.)	hearing. Write your hearing date, time, and place from form EA-109, item (3), here:
Address:	Date Dept.: Room:
City: State: Zip:	If you were served with a Temporary
Telephone: Fax:	Restraining Order, you must obey it until the
Email Address:	hearing. At the hearing, the court may make orders against you that last for up to five years.
□ 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):
☐ 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 <mark>15</mark>) on page 4.)
c. I agree to the following orders (specify below or in	

Clerk stamps date here when form is filed.

DRAFT

2024-01-29

Not approved by

the Judicial Council

		Case Number:
5	a b c	I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in item 15 on page 4.) I agree to the following orders (specify below or in item 15 on page 4):
6	□ A 0 a. □ b. □	Iditional Protected Persons I agree that the persons listed in item 6 of form EA-100 may be protected by the order requested. I do not agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.
7	□ O i	der for Counseling or Anger Management Courses This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse. I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in item 15 on page 4.) I agree to the following orders (specify below or in item 15 on page 4):
8	If you (guns) used a EA-11 firear with f	rms (Guns), Firearm Parts, and Ammunition were served with form EA-110, Temporary Restraining Order, you cannot own or possess any firearms, firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be sor easily turned into a receiver or frame (see Penal Code section 16531). (See item ® of form 0.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, Receipt for Firearms frearm Parts, for the receipt.
	a b	I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain): Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.
	c. 🗌	I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. has already been filed with the court.

9	o Body Armor
	you were served with form EA-110, <i>Temporary Restraining Order</i> , you are prohibited from owning, possessing, buying body armor. You must also relinquish any body armor you have in your possession.
	Check all that apply):
	☐ I do not own or have any body armor.
	☐ I have relinquished all body armor that I have in my possession.
	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
	☐ I agree to the findings requested.
	☐ I do not agree to the findings requested. (Specify why you disagree in item 15 on page 4.)
	☐ I agree to the following findings (specify below or in item 15) on page 4):
11)	Possession and Protection of Animals
	☐ I agree to the orders requested.
	☐ I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
	☐ I agree to the following orders (specify below or in item 15) on page 4):
12)	Other Orders
	☐ I agree to the orders requested.
	☐ I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
	☐ I agree to the following orders (specify below or in item (15) on page 4):

Case Number:

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.

a. I ask the court to order particles.	· · · · · ·		The amounts requested
<u>Item</u>	<u>Amount</u> \$	<u>Item</u>	<u>Amount</u> \$
	<u> </u>		\$
	\$		\$
lawyer's fees and costs.			
Number of pages attached to thi	s form if any:		
Number of pages attached to thi	s form, if any:		
		Lawyer'.	s signature
Date:		Lawyer',	s signature
Date:	ry under the laws of the State of	·	
Date: Lawyer's name (I declare under penalty of perjun	ry under the laws of the State of	·	

Sign your name

DRAFT 2024-01-24 Not approved by the Judicial Council

EA-120-INFO

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

A conservator may seek an order on behalf of an elder or dependent adult.

Deprived by a caregiver of goods or services

necessary to live on

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 <u>EA-120</u>, 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 <u>MC-025</u>. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. 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 <u>EA-120</u> 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 <u>EA-250</u>, *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?

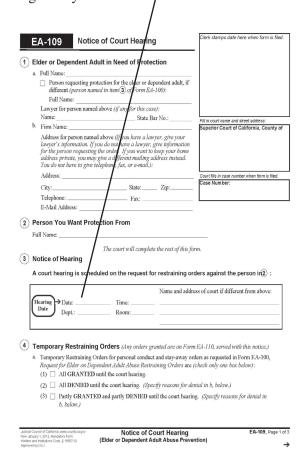
When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter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



How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

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 gun?

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

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

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

What if I have a disability?

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

Information about the process is also available online.

See *selfhelp.courts.ca.gov/EA-restraining-order*.

For help in your area, contact:

[Local information may be inserted.]

Person in 1 must con	nplete (1) , (2) , and (3)	3) only.		DDAFT
Elder or Depende a. Full Name:	ent Adult Seeking	g Protection		DRAFT 2024-01-24 Not approved by
_	n asking for the prote in item (3) of the requ			the Judicial Council
Lawyer for person	named above (if any	for this case):		
Name:		State Bar No.: _		Fill in court name and street address:
Firm Name:				Superior Court of California, Coun
Address:	none, fax, or email.)	State: Zip:		Court fills in case number when form is file
Telephone:		Fax:		Case Number:
Elliali Addless				
Restrained Perso (Give all the informati police database. If age	ion you know. Inform e is unknown, give an	estimate.)		
Restrained Perso (Give all the informati police database. If age *Full Name:	ion you know. Inform e is unknown, give an	estimate.)	*Age: _	Date of Birth:
Restrained Perso (Give all the informati police database. If age *Full Name: *Race:	ion you know. Inform e is unknown, give an Height: _	westimate.) Weight:	*Age: _	
Restrained Perso (Give all the information police database. If age *Full Name: *Race: *Gender: M	ion you know. Inform e is unknown, give an Height: F Nonbinary	weight: Home Address:	*Age: _ Hair	Date of Birth: Color: Eye Color:
Restrained Perso (Give all the information police database. If age *Full Name: *Race: *Gender: M	ion you know. Inform e is unknown, give an Height: _	weight: Home Address:	*Age: _ Hair	Date of Birth: Color: Eye Color:
Restrained Perso (Give all the information police database. If age *Full Name: *Race: *Gender: M	ion you know. Inform e is unknown, give an Height: F Nonbinary	weight: Home Address:	*Age: _ Hair	Date of Birth: Color: Eye Color:
Restrained Perso (Give all the informatic police database. If age of the second	ion you know. Inform e is unknown, give an Height: F Nonbinary	weight: Home Address:	*Age: _ Hair	Date of Birth: Color: Eye Color:
Restrained Perso (Give all the informatic police database. If age of the second	ion you know. Inform the is unknown, give an Height: F Nonbinary Sected Person: The content adult in the content and in the c	Weight: Weight: Home Address: State:	*Age: _ Hair Zip:	Date of Birth: Eye Color: and the color: and the color is a second color in the color is a second color in the
Restrained Perso (Give all the informatic police database. If age) *Full Name: *Race: *Gender: M City: Relationship to Prote Additional Pro In addition to the elder of the elder or dependent	Height: The Cotted Persons To dependent adult named in 1	Weight: Home Address: State: named in (1), the following are protected by the	*Age: _ Hair Zip:	Date of Birth: Color: Eye Color: mily or household members or consedicated below:
Restrained Perso (Give all the informatic police database. If age) *Full Name: *Race: *Gender: M City: Relationship to Prote Additional Pro In addition to the elder of the elder or dependent	ion you know. Inform the is unknown, give and Height: F Nonbinary Tected Person: Tor dependent adult 1	Weight: Home Address: State: named in (1), the following are protected by the	*Age: _ Hair Zip:	Date of Birth: Color: Eye Color: mily or household members or consedicated below: Person in 1? Relation to Person in

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.

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.

<u>(5)</u>	Н	earing
	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	COL	urt has granted the orders checked below. If you do not obey these orders, you can be arrested
		arged 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 o
		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
<u> </u>	a.	You must stay at leastyards away from (check all that apply):
		(1) \square The elder or dependent adult in \bigcirc . (5) \square The vehicle of the elder or dependent adult.
		(2) \square Each person in 3 . (6) \square Other (specify):
		(3) U The home of the elder or dependent adult.
		(4) The job or workplace of the elder or dependent adult.
	b.	This stay-away order does not prevent you from going to or from your home or place of employment.
		This is a Court Order.

Elder or Dependent Adult Abuse Restraining Order After Hearing (CLETS-EAR or EAF) (Elder or Dependent Adult Abuse Prevention)

EA-130, Page 2 of 7

					Case Number:	
8		Move-Out Order You must immediately	move out from and no	ot return to (address):		
		and must take only the	personal clothing and	belongings you need.		
9		Order for Counse	ling or Anger Man	nagement		
	a.	The person in (2) is or	-	J		
		clinical counseling	for(speci	ify number) sessions;	or	
		an anger managem	ent course			
					herapist, clinical social provide counseling or a	
	b.			ted, within 30 days aft	er this order is made. Th	•
	c.		_	nagement course must	be filed with the court	_
		(date):	at (time):	in Dept.:	Room:	
10		No Firearms (Gur	• •			
		You cannot own, posse prohibited items listed	ess, have, buy or try to	•	eceive, or in any other v	vay get any
	b.	Prohibited items are:				
		(1) Firearms (guns);				
			aning receivers, frames Code section 16531); an		be used as or easily turn	ned into a receiver or
		(3) Ammunition.				
	c.	If you have not already	done so, you must:			
		firearm parts in your with this Order.File a receipt with the	immediate possession are court within 48 hours een turned in, sold, or s	or control. This must be of receiving this Ordon	recement agency, any fir be done within 24 hours or that proves that your orm <u>EA-800</u> , <i>Receipt fo</i>	s of being served firearms (guns) and
	d.	☐ The court has recei	ved information that yo	ou own or possess a fir	earm (gun), firearm par	ts, or ammunition.

This is a Court Order.

	The count has seed a 4h a seed		L - C	
e. L	The court has made the necestivil Procedure section 527.5 firearm (specify make, model)	9(f). Under California law,	the person in 2 is not req	_
	The firearm must be in the pl during travel to and from the may be subject to federal pro	ir place of employment. Ev	en if exempt under Califor	
No	Body Armor			
	e order in 10 is granted, you ca must relinquish any body armo			nal Code section 1628
Fina	ancial Abuse			
	case does not does nidation, or any other form of a		buse unaccompanied by fo	orce, threat, harassme
□ F	Possession and Protecti	on of Animals		
	owned nossessed leased be	ent or held by him or her o	r reside in his or her house	ehold
_ _	owned, possessed, leased, kee (Identify animals by, e.g., ty			ehold.
- - - b. [* *	pe, breed, name, color, sex at least yards away	from, and not take, sell, tra	nnsfer, encumber, con
	☐ The person in ② must stay molest, attack, strike, threate	pe, breed, name, color, sex at least yards away	from, and not take, sell, tra	nnsfer, encumber, con
☐ S	(Identify animals by, e.g., ty) The person in (2) must stay	at least yards awayen, harm, or otherwise dispo	from, and not take, sell, traces of, the animals listed al	ansfer, encumber, con
The	(Identify animals by, e.g., ty) The person in ② must stay molest, attack, strike, threate Specific Debts court finds (decides) that the fo	at least yards awayen, harm, or otherwise dispo	from, and not take, sell, traces of, the animals listed al	ansfer, encumber, con
The the p	(Identify animals by, e.g., ty) The person in ② must stay molest, attack, strike, threate Specific Debts court finds (decides) that the forerson in ②.	at least yards away en, harm, or otherwise dispositions debts were incurre	from, and not take, sell, traces of, the animals listed all das a result of financial ab	ansfer, encumber, con pove.
The the p	(Identify animals by, e.g., ty) The person in ② must stay molest, attack, strike, threate Specific Debts court finds (decides) that the forerson in ②. Money Owed To:	at least yards away en, harm, or otherwise disposition ollowing debts were incurre the end of this Order on A	from, and not take, sell, traces of, the animals listed all das a result of financial ab	ansfer, encumber, con pove.
The the p	The person in ② must stay molest, attack, strike, threate specific Debts court finds (decides) that the forerson in ②. Money Owed To:	at least yards away en, harm, or otherwise dispenditure following debts were incurred the end of this Order on Ar	from, and not take, sell, traces of, the animals listed all das a result of financial absence.	ansfer, encumber, con pove.
The the p	The person in 2 must stay molest, attack, strike, threate specific Debts court finds (decides) that the forerson in 2. Money Owed To: Additional debts are attached at Lawyer's Fees and Costs	at least yards away en, harm, or otherwise dispenditure following debts were incurred the end of this Order on Ar	from, and not take, sell, traces of, the animals listed all das a result of financial absence.	ansfer, encumber, concove. Douse of the person in (Amount: \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
The the p	(Identify animals by, e.g., ty) The person in ② must stay molest, attack, strike, threate Specific Debts court finds (decides) that the forerson in ②. Money Owed To: Additional debts are attached at Lawyer's Fees and Costs You must pay to the person in (at least yards away en, harm, or otherwise dispersional debts were incurred the end of this Order on Armount Amount	from, and not take, sell, traces of, the animals listed along as a result of financial above. For: tachment 14.	ansfer, encumber, compove. Douse of the person in (Amount: \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$

Elder or Dependent Adult Abuse Restraining Order After Hearing (CLETS-EAR or EAF) (Elder or Dependent Adult Abuse Prevention)

71

EA-130, Page 4 of 7

		Case Number:
Other Orders (specify):		
☐ Additional orders are attache	d at the and of this Orden	on Attachment 16
Additional orders are attache	To the Perso	
Mandatory Entry of Order	r Into CARPOS Thro	ugh CLETS
This Order must be entered into California Law Enforcement Tel	_	and Protective Order System (CARPOS) through the (CLETS). (Check one):
a. The clerk will enter this 0	Order and its proof of serv	ice form into CARPOS.
b. The clerk will transmit th into CARPOS.	is Order and its proof of s	ervice form to a law enforcement agency to be entered
		is made, you or your lawyer should deliver a copy of the cement agency listed below to enter into
Name of Law Enforce	ement Agency	Address (City, State, Zip)
Additional law enforce	ement agencies are listed	at the end of this Order on Attachment 17.
Service of Order on Rest	rained Person	
videoconference). No oth	ner proof of service is need	
-	the hearing. The person in	
orders in this form a		Restraining Order, was presented to the court. The judge's -110 except for the end date. The person in 2 must be 1.
orders in this form an	re different from the order	Restraining Order, was presented to the court. The judge's in form EA-110. Someone—but not anyone in is Order on the person in ②.
No Fee to Serve (Notify) F	Restrained Person	
If the sheriff or marshal serves the	nis Order, they will do so	for free.
Number of pages attached to this	Order, if any:	
Date:		
		Judicial Officer

This is a Court Order.

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Case Number:	

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) and firearm parts 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 (18)), the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Order

This order starts on the date next to the judge's signature on page 5. The order ends on the expiration date in (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

Rev. January 1, 2025

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 (18)) 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.

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.

EA-130, Page 6 of 7



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Case Number:	

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

Clerk's Certificate
[seal]

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

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: Cle		, Deputy
-----------	--	----------

EPO-002 GUN VIOLENCE EMERGENCY PROTECTIVE ORDER	LAW ENFORCEMENT CASE NUMBER:
1. RESTRAINED PERSON (insert name): Address:	Clerk stamps date here when form is filed.
Gender: M F Nonbinary Ht.: Wt.: Hair color:	
Eye color: Race: Age: Date of birth:	
2. TO THE RESTRAINED PERSON	DRAFT
(Also see important Warnings and Information on page 2):	2024-01-24
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	Not approved by
may not have in your custody or control, own, purchase, possess, or receive, or	the Judicial Council
attempt to purchase or receive, any firearm, ammunition, or magazine while this	
order is in effect. However a more permanent gun violence restraining order may be	
obtained from the court. 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	Fill in court name and street address:
if you have any firearms (guns), firearm parts (receivers, frames, and any item	Superior Court of California, County of
that may be used as or easily turned into a receiver or frame), ammunition, or	
magazines, you MUST IMMEDIATELY SURRENDER (GIVE) THEM if asked by a police officer. If a police officer does not ask you to surrender the items, within 24 hours	
of getting this order, you must take them to a police station or a licensed gun dealer to	
sell or store them and must file a receipt with the court proving that this has been done.	
You have 48 hours to file a receipt with the court shown to the right. If you do not file	Court fills in case number when form is filed.
(1.5.1.7.7.1.7.7.1.7.7.1.7.1.7.1.7.1.7.1.	
You must relinquish any body armor you have in your possession.	Case Number:
3. This order will last until: Time	
INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)	
4. Court Hearing A court hearing will be set within 21 days. A court hearing will take place at the court above on: Date:	Time/Dent:
You must attend the court hearing if you do not want this restraining order against you	
(check your court's website for instructions). At the hearing, the judge can make this	
5. Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergency	
the Restrained Person poses an immediate danger of causing personal injury to themsel owning, purchasing, possessing, or receiving any firearms, firearm parts, ammunition, or	
alternatives were ineffective or have been determined to be inadequate or inappropriate	
6. Judicial officer <i>(name):</i> granted this order on <i>(</i>	
APPLICATION	
7. Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exi	st (state supporting facts and dates; specify
weapons—number, type and location):	
	unahad fan 🔲 saimad
8. Firearms (including parts) were observed reported physically sea Ammunition (including magazines) was observed reported physically sea	
I declare under penalty of perjury under the laws of the State of California that	
r declare under penalty of perjury under the laws of the state of samornia the	at the foregoing is true and correct.
By: (PRINT NAME OF LAW ENFORCEMENT OFFICER) (SIGNAL)	ATURE OF LAW ENFORCEMENT OFFICER)
Agency: Telephone No:	,
Address:	
PROOF OF SERVICE	
9. I personally delivered copies of this Order to the restrained person name in item 1.	
Date of service: Address:	
10. At the time of service, I was at least 18 years of age.	
I declare under penalty of perjury under the laws of the State of California that the foregoin	g is true and correct.
Date:	(SIGNATURE OF SERVER)

GUN VIOLENCE EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm (gun), a firearm part (a receiver, frame, or any item that may be used as or easily turned into a receiver or frame), ammunition, or a magazine. (Pen. Code, §§ 16531 & 18125 et seq.) A violation of this order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19 & 18205.) Within 24 hours of receipt of this order, you must turn in all items listed above to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48-hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use form GV-800, Receipt for Firearms, Firearm Parts, Ammunition, and Magazines.

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 Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use form GV-020, *Response to Gun Violence Emergency Protective Order*. A longer-term restraining order may be requested from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm (gun), firearm part (a receiver, frame, or any item that may be used as or easily turned into a receiver or frame), ammunition, or magazine for an additional five-year period, to begin on the expiration of the existing gun violence restraining order. (Pen. Code, §§ 16531 & 18205.) This protective order must be enforced by all law enforcement officers in the state of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

A LA PERSONA RESTRINGIDA: Tiene prohibido ser dueño de, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, un componente de armas de fuego (un receptor o armadura, o cualquier artículo que puede ser usado como receptor o armadura o fácilmente convertido en receptor o armadura), municiones o cargadores. (Cód. Penal, §§ 16531 & 18125 y siguientes). Una violación de esta orden es un delito menor que está sujeta a una multa de \$1000 o encarcelamiento de seis meses o ambos. (Cód. Penal, §§ 19 & 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar todos los artículos indicados arriba a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Cód. Penal, § 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden, o el próximo día hábil, si el periodo de 48 horas termina un día en que está cerrada la corte. También tiene que presentar el recibo a la agencia del orden público que le entregó esta Orden. Se puede usar el formulario GV-800, *Recibo por armas de fuego, componentes de armas de fuego, munciones, y cargadores*.

Se le prohíbe ser dueño de, poseer, o comprar blindaje personal (de acuerdo con la definición en la sección 16288 del Código Penal). Tiene que entregar todo blindaje personal que tenga en su posesión.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, *Respuesta a la orden de protección de emergencia de armas de fuego*. Se puede solicitar a la corte una orden de restricción a más largo plazo.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, un componente de armas de fuego (un receptor o armadura, o cualquier artículo que puede ser usado como receptor o armadura o fácilmente convertido en receptor o armadura), municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego existente. (Cód. Penal, §§ 16531 & 18205.) Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma tiene que hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

To law enforcement: The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, firearm parts, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable, but not later than three court days, after issuance, so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this temporary Gun Violence Emergency Protective Order 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.

GV-020

Response to Gun Violence **Emergency Protective Order**

DRAFT 2024-02-06 Not approved by the Judicial Council

Clerk stamps date here when form is filed.

Use this form if you do not want the court to extend the Gun Violence Emergency Protective Order for a period of time between 1-5 years.

- Read How Can I Respond to a Gun Violence Emergency Protective Order? (form GV-020-INFO) to protect your rights.
- 2. Fill out this form and take it to the filing window at the court.
- Have someone age 18 or older—not you—mail a copy of this form and 3. any attached pages to the law enforcement agency that applied for the Gun Violence Emergency Protective Order (form EPO-002). (Use Proof of Service by Mail (form GV-025).)

Fill in court name and street address:

of
(

Requesting Agency or Officer

(A petition may be filed in the name of the law enforcement agency in which the officer is employed.)

See Notice of Hearing for case number and fill in:

Case Number:		

				Case Numbe	r:	
R	estrained Person					
a.	Your Name:					
	Your Lawyer (if you have one for this case):					
	Name: State B	ar No.:_				
	Firm Name:		Be prepare	d to tell the co	ourt at the hearing why you	
b.	Your Address (If you have a lawyer, give your law information. You do not have to give telephone, for email address.) Address:	on. You do not have to give telephone, fax, or		don't agree. Write your hearing date, time, and place from the Notice of Hearing or <i>Gun Viole Emergency Protective Order</i> (form EPO-002) 1 Hearing Date: Time:		
	City: State: Zip:		_ Date	Dept.:	Room:	
	Telephone: Fax:			•	ın Violence Emergency	
	Email Address:				the expiration date. At nay make an order against	
G	un Violence Restraining Order			•	e between 1–5 years.	
	☐ I do not agree that a gun violence restraining o	rder shou	ıld be extend	ed for 1–5 year	ars (explain):	

Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



4)		Denial, Justification, or Excuse
		I did not do anything described in item 7 of form EPO-002.
		If I did some of the things stated in the Gun Violence Emergency Protective Order, my actions were justified or excused for the following reasons (explain):
		Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 4—Denial, Justification, or Excuse" as a title. Use form MC-025, Attachment.
5)	Fir	earms (Guns), Firearm Parts, Ammunition, and Magazines
	fra 163 so. any	ssess any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and mes, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 531). You must turn over any of these items in your possession to law enforcement when they ask you to do If not asked, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, yof the above listed items in your immediate possession or control within 24 hours of being served with the EPO-002. You must file a receipt with the court and the law enforcement agency. You may use Receipt Firearms, Firearm Parts, Ammunition, and Magazines (form GV-800) for the receipt. I do not own or control any firearms (guns), firearm parts, ammunition, or magazines. I have turned in my firearms (guns), firearm parts, ammunition, and magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached has already been filed with the court and the law enforcement agency.
6	No	Body Armor
		you were served with form GV-110, <i>Temporary Restraining Order</i> , you are prohibited from owning, possessing, buying body armor. You must also relinquish any body armor you have in your possession.
	(C	heck 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 have 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.)



	Case Number:
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 all attachments is true and correct.	e of California that the information above and on
Date:	
	•
Type or print your name	Sign your name

DRAFT 2024-01-24 Not approved by the Judicial Council

GV-020-INFO

How Can I Respond to a Gun Violence Emergency Protective Order?

What is a *Gun Violence Emergency Protective Order* (form EPO-002)?

It is a court order requested by law enforcement that prohibits someone from having any of the following prohibited items:

- 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 (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must turn in, sell, or store all prohibited items listed above that they currently own. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a gun violence emergency protective order?

The gun violence emergency protective order must have been requested by a law enforcement officer and was issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

I've been served with a *Gun Violence*Emergency Protective Order (form EPO-002) and a Notice of Court Hearing. What do I do now?

Read the papers served on you very carefully. The *Notice* of *Court Hearing* or form EPO-002 tells you when to appear for court and where the court is located. If you want to attend the hearing remotely, such as by phone or videoconference, check your local court's website for instructions and availability. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) prohibiting you from having any prohibited items listed above and requiring you to surrender, sell, or store any prohibited items that you currently own or possess. You must obey the order until the expiration date on the form.



What if I don't obey the emergency protective order?

The police can arrest you. You can go to jail and pay a fine. You may also be prohibited for a longer period of time from having access to firearms, firearm parts, ammunition, and magazines.

What if I don't want the order to be extended?

If you disagree with the order that has been issued and do not want the court to extend it for a longer time, fill out *Response to Gun Violence Emergency Protective Order* (form GV-020), before your hearing date. File the form with the court and serve it on the requesting law enforcement agency. You can get the form from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find it at your local courthouse or county law library.

Will I have to pay a filing fee?

No

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 the completed *Response to Gun Violence Emergency Protective Order* (form GV-020) to the law enforcement agency that issued the *Gun Violence Emergency Protective Order* (form EPO-002). (This is called "service by mail.")

The person who serves the form by mail must fill out *Proof* of Service by Mail (form GV-025). Have the person who did the mailing sign the original form GV-025. Take the completed form back to the court clerk or bring it with you to the hearing.





How Can I Respond to a Gun Violence Emergency Protective Order?

Should I attend the court hearing?

Yes. You should attend the hearing listed on the *Notice of Court Hearing* or the *Gun Violence Emergency Protective Order* (form EPO-002). You can do so remotely, such as by telephone or videoconference, or go to court in person. If you do not attend the hearing, the judge can extend the order against you for a period of time between 1–5 years without hearing from you.

Can I attend the court hearing remotely, such as by telephone or videoconference?

Yes. Remote appearances are permitted for parties and witnesses. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find at www.courts.ca.gov/find-my-court.htm.

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 *Declaration* (form MC-030) for this purpose.)

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.

How long does the order last?

The *Gun Violence Emergency Protective Order* (form EPO-002) will last until the expiration date listed on the front of the form in item 3. The court will decide at the hearing whether to issue a gun violence restraining order that can last for a period of time between 1–5 years.



Will I see the person who asked for the court order at the court hearing?

It's possible the law enforcement officer may appear at the court hearing.



What if I need help to understand 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.

For help in your area, contact:

[Local information may be inserted.]

GV-030

Gun Violence Restraining Order After Hearing on EPO-002

The court will complete this form.

1 Reque

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:

Clerk stamps date here when form is filed.

DRAFT 2024-01-24 Not approved by the Judicial Council

			— Fill in court name and street address:	
2 Restrained Persor	Restrained Person		Superior Court of California, County of	
Full Name:				
Lawyer (if there is one	for this case):			
Name:	State Bar N	lo.:		
Firm Name:			Court fills in case number when form is filed.	
Address:				
City:	City: State: Zip:		Case Number:	
Telephone:	Fax:			
Email Address:				
	Description of Re	estrained Per	son	
Gender: ☐ M ☐ F	•		Date of Birth:	
			Race:	
City:		State	a. 7in	
City.		State	e: Zip:	
This order expires at:		ight on (date):		
If no expiration date is	written here, this order expires of	one year from the	e date of issuance.	
Hearing				
_	g on (date): at	(time):	in Dept.:Room:	
			made the orders at the hearing.	
b. These people attend				
		ing Agency		
(1) I'lle officer	or representative or the request			
(2) The Restrai	ned Person □ Lawver for the F	Restrained Person	n (name):	
(2) I'lle Restrai		ourt Order.	(name).	
	Tills is a C	ourt Order.		

Gun Violence Restraining Order
After Hearing on EPO-002
(CLETS-HGV) (Gun Violence Prevention)

GV-030, Page 1 of 5



Fii	ndiı	ngs
a.		The court finds by clear and convincing evidence that the following are true:
		The Restrained Person poses a significant danger of causing personal injury to themself 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). A gun violence restraining order is necessary to prevent personal injury to the Restrained Person 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.
	(3)	☐ The court has received credible information that the Restrained Person owns or possesses one or more firearms, firearm parts, ammunition, or one or more magazines.
	(4)	☐ The facts as stated in the <i>Gun Violence Emergency Protective Order</i> (form EPO-002) and supporting documents submitted at the time of the hearing, which are incorporated here by reference, and for the reasons set forth below, establish sufficient grounds for the issuance of this Order.
		☐ See the attached <i>Attachment</i> (form MC-025)
b.		A gun violence restraining order is not being issued for the reasons below:
		This is a Court Order.

Rev. January 1, 2025

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3)	N	o 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 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 <i>Receipt for Firearms, Firearm Parts, Ammunition, and Magazines</i> (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	No	o Body Armor
	Yo	ou cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body
	arı	mor you have in your possession.
3	Se	ervice of Order on the Restrained Person
		☐ 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 <i>Request to Terminate Gun Violence Restraining Order</i> (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 <i>Request to Terminate Gun Violence Restraining Order</i> (form GV-600), if a restraining order was granted.
9	Nι	umber of pages attached to this Order, if any:
	Da	ate:
		Judicial Officer
		This is a Court Order.
v. Jar	uarv	1.2025 Cup Violence Bestreining Order CV 020 Bare 2 of

Gun Violence Restraining Order
After Hearing on EPO-002
(CLETS-HGV) (Gun Violence Prevention)

۷-030, Page 3 of 5

Case Number:	

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.

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 \rightarrow

Case Number:	

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
Date.	CICIK, Dy	, Deputy

GV-100

Petition for Gun Violence Restraining Order

Read Can a Gun Violence Restraining Order Help Me? (form GV-100-INFO) before completing this form.

1 Petitioner

a. Your Full Name or Name of Law Enforcement Agency:

Clerk stamps date here when form is filed.

DRAFT 2024-01-24 Not approved by the Judicial Council

I a		
Ш	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. If you wrote your full name above, write the name of the law enforcement agency that employs you):	Fill in court name and street address: Superior Court of California, County of
	An employer of the Respondent (your position and name of company):	
	1 77	Court fills in case number when form is filed.
	A coworker of the Respondent. I have had substantial and regular interactions with the Respondent for at least one year and I have	Case Number:
	obtained the approval of my employer to file this petition (name of company):	
	An employee or teacher of a secondary or postsecondary school tha 6 months. I have obtained the approval of a school administrator to	*
	A roommate of the Respondent. I currently live with the Responder past six months and have had substantial and regular interactions w	•
	A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year.	ad substantial and regular interactions
Yo	ur Lawyer (if you have one for this case): Name:	
	m Name:	State Bar No.:
kee	ur Address (If you have a lawyer, give your lawyer's information. If p your home address private, you may give a different mailing addr pphone, fax, or email. Law enforcement officer, give agency informa	ess instead. You do not have to give
Ad	dress:	Telephone:
Cit	y: State: Zip:	Fax:

2 Respondent

Email Address:

b.

c.

Full Name: _____ Age: _____ Address (if known):

City: _____ State: ____ Zip:

			ase Number.
3	Venue Why are you filing in this county? (Check all that a. ☐ The Respondent lives in this county. b. ☐ Other (specify):	apply):	
4)	Other Court Cases		
	a. Are you aware of any other court cases, civil or Yes No If yes, check each kind of co when each was filed:		espondent? nation as you know as to where and
	Kind of Case (1)		•
5	☐ Yes ☐ No ☐ I don't know If yes, att Description of Respondent's Firearms (Answer 5a or check 5b if you have reason to believe parts, ammunition, or magazines. This includes fire easily turned into a receiver or frame (see Penal Cas. ☐ I am informed, and on that basis believe, the firearms, firearm parts, ammunition, or magazines that you believe that the Respondent of Types of firearms (guns), firearm ammunition or magazines	(Guns), Firearm Parts we that the respondent is in rearm receivers and frames, Code section 16531). The Respondent currently possesses or continuous parts, How ma	s, Ammunition, or Magazines possession of firearms (guns), firearm and any item that may be used as or assesses or controls the following er, types, and locations of any of those rols): I ocation if known
	(1)		

Reasons a Gun Violence Restraining Order is Needed Explain why a gun violence restraining order is needed. This explanation should include: (1) how the Respondent poses a danger to themselves or others by having a firearm (gun), a firearm part (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), ammunition, or a magazine; and (2) whether other less restrictive alternatives to a gun violence restraining order have been tried and found to be ineffective, or why other less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances. If any of the following have occurred, you should include information about them: Threats or acts of violence or physical force by the Respondent. Violation of a protective order by the Respondent. The Respondent being convicted of illegally possessing a firearm (gun). The Respondent being arrested for a felony offense. The unlawful and reckless use, display, or brandishing of a firearm (gun) by Respondent. Recent criminal offenses by the Respondent that involve illegal drugs or alcohol. Recent acquisition of firearms (guns), ammunition, other deadly weapons, or body armor by the Respondent. Any other evidence of an increased risk for violence by the Respondent. The facts supporting the above statements are set forth: Below On Attached Declaration (form MC-031).
Request for Gun Violence Restraining Order I request that the court issue an order prohibiting Respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms (guns), 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). I further request that Respondent be ordered to immediately surrender (turn in, sell, or store) all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer. a. I request the order above for
No Body Armor If an order is granted, respondent will be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have. This is not a Court Order.
This is not a Court Order.

9	No Fee to Serve (Notify) Restrained Person If you want the sheriff or marshal to serve (notify) the restrained person about	out the orders, they will do it for free.
10	Request for Hearing I request that the court set a hearing in this matter for the purpose of issuing will last between one and five years.	a gun violence restraining order that
11)	 ☐ Temporary Gun Violence Restraining Order I request that a temporary gun violence restraining order be issued against to am presenting Temporary Gun Violence Restraining Order (form GV-110) this Petition. Has the Respondent been told that you were going to court to seek a tempor Yes ☐ No (If you answered no, explain why below): ☐ Reasons stated in Attachment 11. 	for the court's signature together with
12	□ Request to Give Less Than Five Days' Notice of Hearing You must have your papers personally served on Respondent at least five co the court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the p If you want there to be fewer than five days between service and the hearing □ Reasons stated in Attachment 12.	alendar days before the hearing, unless Service"? (form <u>GV-200-INFO</u>). Proof papers have been served.)
13	You must have your papers personally served on Respondent at least five couther court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the pull you want there to be fewer than five days between service and the hearing	alendar days before the hearing, unless Service"? (form <u>GV-200-INFO</u>). Proof papers have been served.)
13 Date:	You must have your papers personally served on Respondent at least five coute court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the particle of Personal Service and the hearing Reasons stated in Attachment 12. Number of pages attached to this form, if any:	alendar days before the hearing, unless Service"? (form <u>GV-200-INFO</u>). Proof papers have been served.)
13 Date:	You must have your papers personally served on Respondent at least five couther court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the particle of If you want there to be fewer than five days between service and the hearing Reasons stated in Attachment 12. Number of pages attached to this form, if any:	alendar days before the hearing, unless Service"? (form <u>GV-200-INFO</u>). Proof papers have been served.)
I dec	You must have your papers personally served on Respondent at least five coute court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the particle If you want there to be fewer than five days between service and the hearing Reasons stated in Attachment 12. Number of pages attached to this form, if any:	Lawyer's signature
I dec	You must have your papers personally served on Respondent at least five court be court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the particle If you want there to be fewer than five days between service and the hearing Reasons stated in Attachment 12. Number of pages attached to this form, if any: Lawyer's name (if any) Clare under penalty of perjury under the laws of the State of California that the chaments is true and correct.	Lawyer's signature
I decl	You must have your papers personally served on Respondent at least five court be court orders a shorter time for service. (See What Is "Proof of Personal of Personal Service (form GV-200) may be used to show the court that the particle If you want there to be fewer than five days between service and the hearing Reasons stated in Attachment 12. Number of pages attached to this form, if any: Lawyer's name (if any) Clare under penalty of perjury under the laws of the State of California that the chaments is true and correct.	Lawyer's signature

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GV-100-INFO Can a Gun Violence Restraining Order Help Me?

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 or a self-help center.

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any of the following items:

- 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 (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must turn in, sell, or store any prohibited items listed above that that person currently owns. The police will come and remove the items or the person can store them with a licensed gun dealer while the restraining order is in effect. The restrained person also cannot buy any of the prohibited items during this time. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Can I get a gun violence restraining order against someone?

You can ask for one if you are connected to the person you think is dangerous as:

- An immediate family member;
- An employer;
- A coworker who has substantial and regular interactions with the person and has worked with them for at least a year. You must have permission from your employer to ask for the restraining order;
- An employee or teacher at a school that the person has attended in the last six months, where you have permission from a school administrator or staff member who has a supervisorial role;
- A law enforcement officer or agency;
- A roommate who resided in the household in the past six months and has had substantial and regular interactions with the person for at least a year;
- Somebody in a dating relationship; or

Rev. January 1, 2025, Optional Form Penal Code, § 18100 et seq.

Somebody who shares a child with the person and has had substantial and regular interactions with the person for at least a year.

Immediate family members include:

- Your spouse or domestic partner;
- You or your spouse's parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparents or stepgrandparents; and
- You or your spouse's aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and greatgrandchildren if you have had substantial and regular interactions for at least a year.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if grounds exist.

Will I have to pay a filing fee to request the order?

No.

Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have the prohibited items listed above. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See Can a Domestic Violence Restraining Order Help Me? (form DV-500-INFO) for information on how to proceed. For information on other civil restraining orders, please see selfhelp.courts.ca.gov/restraining-orders-california.

What forms do I need to get the order?

You must fill out the following forms:

- Petition for Gun Violence Restraining Order (form GV-100);
- Confidential CLETS Information (form CLETS-001);
- Notice of Court Hearing (form GV-109), items 1 and 2 only; and
- Temporary Gun Violence Restraining Order (form GV-110), items 1 and 2 only.

You may need other local forms. Ask your self-help center or visit your court's website.

Where can I get these forms?

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



Can a Gun Violence Restraining Order Help Me?

What do I need to do to get the order?

You must file your papers with the superior court in the county where the person to be restrained lives. Check online or ask the court how to file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. The court will give you a hearing date on the Notice of Court Hearing form.

How soon can I get the order?

You can ask for a temporary gun violence restraining order, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. If you file in person, the clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for a period of time between 1–5 years.

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



If the court issues a temporary restraining order, someone age 18 or older—**not you**—must personally "serve" (give) the person to be restrained a copy of the order. The server must then fill out *Proof of Personal Service* (form GV-200) and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if they do not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for What Is "Proof of Personal Service"? (form GV-200-INFO). Note: A sheriff or marshal can serve the order for free.

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 do I have to prove to get the order?

You will have to convince the judge that the person to be restrained poses a significant danger in the near future of causing personal injury to themself or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving any of the prohibited items listed on page 1.

You will also have to convince the judge that a gun violence restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

How can I convince the judge?

You will need to give the judge specific information. You should tell the judge everything that you know about the firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

Then you will need to present facts to show that the person to be restrained is dangerous to themself or others. This could be information about any threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It could also be evidence that the person to be restrained has violated a protective order or abuses controlled substances or alcohol. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm or body armor. Or it could be evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing or controlling any

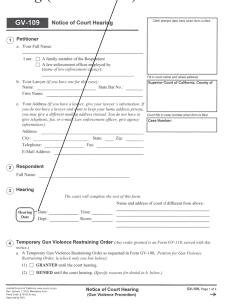
You should include all of this information in your Petition and also be prepared to present it to the judge at the hearing.



Can a Gun Violence Restraining Order Help Me?

Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109).



You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: www.courts.ca.gov/find-my-court.htm.

Can someone attend the hearing with me?

Yes. Someone can sit with you during the hearing, but that person cannot speak for you to the court. Only you or your lawyer (if you have one) can speak for you.

Do I need to bring a witness to the hearing?

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- 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 *Declaration* (form MC-030) for this purpose.)

Will I see the restrained person at the court hearing?

If the person attends the hearing, yes. If you are afraid, tell the court.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one to five years. It may be renewed for an additional one to five years.

What if the restrained person does not obey the order?

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

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

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



What if I need help to understand English?

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

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.

selfhelp.courts.ca.gov/GV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

GV-109	Notice of Court Hearing	Clerk stamps date here when form is filed.
1 Petitioner	nst complete items (1) and (2) only. Name of Law Enforcement Agency:	DRAFT 2024-01-24 Not approved by
 □ An offic □ An emp □ A cowo □ An emp 	y member of the Respondent. cer of a law enforcement agency. cloyer of the Respondent. crker of the Respondent. cloyee or teacher of a secondary or postsecondary that the Respondent has attended in the last 6	Fill in court name and street address: Superior Court of California, County of
months A room A perso Respon	mate of the Respondent. on who has a dating relationship with the dent. on who has a child in common with the	Court fills in case number when form is filed. Case Number:
Respondent Full Name: Hearing	The court will complete the rest of this	s form.
Hearing Date: Dept.:	Time: Room:	address of court if different from above:
o the person in 2: If you attend the hearing you, the order will be one	earing remotely, such as by phone or videoconferent listed above. To find the court's website, go to www and (in person, by phone, or by videoconference) and effective immediately, and you could be arrested if	v.courts.ca.gov/find-my-court.htm. I the judge grants a restraining order against you violate the order.
Temporary Guinotice.) a. A Temporary G (form GV-100)	e hearing, the judge may still grant the restraining or rder, you could be arrested if you violate the order. Note the Violence Restraining Order (Any order grant un Violence Restraining Order as requested in Petitis (check only one box below): TED until the court hearing.	anted is on form GV-110, served with this

	ns for denial of a Temporary Gun Violence Restraining Order as requested in <i>Petition for Gun Violence vining Order</i> (form GV-100) are:
(1)	The facts as stated in form GV-100 do not show that there is a substantial likelihood that both of the following are true:
	Respondent poses a significant danger of causing personal injury to themself or another person by having custody or control of, 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).
	A gun violence restraining order is necessary to prevent personal injury to 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.
(2)	Other (as stated): Below On Attachment 4b(2)
_	
_	
Service	of Documents on Respondent
At least [older—an	_ _ , , , , , , , , , , , , , , , ,
At least [older—an to the Res	five calendar days before the hearing, a law enforcement officer or someone age 18 and not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1
At least [older—an to the Res	five calendar days before the hearing, a law enforcement officer or someone age 18 and not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below:
At least [older—an to the Res	five calendar days before the hearing, a law enforcement officer or someone age 18 of ad not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped)
At least [older—an to the Res a. GV-10 b. GV-12	five calendar days before the hearing, a law enforcement officer or someone age 18 of ad not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped) V-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED
At least [older—an to the Res a. GV-10 b. GV-12 d. GV-12 e. GV-12	calendar days before the hearing, a law enforcement officer or someone age 18 of the not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped) V-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED 20, Response to Petition for Gun Violence Restraining Order (blank form)
At least [older—an to the Res a. GV-10 b. GV-12 d. GV-12 e. GV-12	calendar days before the hearing, a law enforcement officer or someone age 18 and not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 apondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped) V-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED 20, Response to Petition for Gun Violence Restraining Order (blank form) 20-INFO, How Can I Respond to a Petition for a Gun Violence Restraining Order? 25, Consent to Gun Violence Restraining Order and Surrender of Firearms (blank form)
At least [older—an to the Res a. GV-10 b. GV-12 d. GV-12 f. Ot	calendar days before the hearing, a law enforcement officer or someone age 18 of the days to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped) V-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED 20, Response to Petition for Gun Violence Restraining Order (blank form) 20-INFO, How Can I Respond to a Petition for a Gun Violence Restraining Order? 25, Consent to Gun Violence Restraining Order and Surrender of Firearms (blank form) her (specify):
At least [older—an to the Res a. GV-10 b. GV-12 d. GV-12 f. Ot	calendar days before the hearing, a law enforcement officer or someone age 18 cm and not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-1 spondent, along with a copy of all the forms indicated below: 00, Petition for Gun Violence Restraining Order (file-stamped) V-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED 20, Response to Petition for Gun Violence Restraining Order (blank form) 20-INFO, How Can I Respond to a Petition for a Gun Violence Restraining Order? 25, Consent to Gun Violence Restraining Order and Surrender of Firearms (blank form)

Case Number:		

To the Petitioner in 1:

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. *Proof of Personal Service* (form GV-200) may be used.
- For information about service, read What Is "Proof of Personal Service"? (form GV-200-INFO).
- You may ask to reschedule the hearing if you are unable to find the Respondent and need more time to serve, or for other good reasons. Use *Request to Continue Court Hearing for Gun Violence Restraining Order* (form <u>GV-115</u>).
- You must attend the hearing if you want the judge to make any of the orders you requested on form GV-100, *Petition for Gun Violence Restraining Order*. Bring any evidence or witnesses you have. For more information, read form GV-100-INFO, *Can a Gun Violence Restraining Order Help Me?*

To the Respondent:

- If you want to oppose the *Petition for Gun Violence Restraining Order* (form GV-100) in writing, file *Response to Petition for Gun Violence Restraining Order* (form GV-120) and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. *Proof of Service by Mail* (form <u>GV-250</u>) 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, attend 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 order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms (guns), firearm parts, ammunition, or magazines 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 issued, the order will last for one year. 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 do not oppose the petition and are willing to give up your firearm rights, complete and file a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form <u>GV-125</u>).
- 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. Use *Request to Continue Court Hearing for Gun Violence Restraining Order* (form GV-115).



Request for Accommodations

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

(Clerk will fill out this part.)

-Clerk's Certificate-

I certify that this Notice of Court Hearing (form	GV-109) is a true and	d correct copy of the	original on file in the
court.			

Clerk's Certificate	Date:	
[seal]	Clerk, by	, Deputy

Temporary Gun Violence

Clerk stamps date here when form is filed. **GV-110** Restraining Order Petitioner must complete items (1) and (2) only. DRAFT Petitioner 2024-01-24 a. Your Full Name or Name of Law Enforcement Agency: Not approved by the Judicial Council 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 Fill in court name and street address: An employee or teacher of a secondary or postsecondary Superior Court of California, County of school that the Respondent has attended in the last 6 ☐ A roommate of the Respondent. ☐ A person who has a dating relationship with the Respondent. Court fills in case number when form is filed. ☐ A person who has a child in common with the Case Number: Respondent. b. Your Lawyer (if you have one for this case): 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: 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.) *Age: ____ Date of Birth: ____ Height: ___ Weight: ___ Hair Color: ____ Eye Color: ____ *Full Name: *Gender: M F Nonbinary Home Address: City: _____ State: ____ Zip: _____ Relationship to Protected Person: The court will complete the rest of this form. **Expiration Date** This Order expires at the end of the hearing scheduled for the date and time below: Time: _____ a.m. _ p.m. Date:

) F	indi	ngs				
, - 		eving examined Petitioner and other witnesses under oath,				
	☐ Having considered the declarations of ☐ Petitioner ☐ and other witnesses under penalty of perjury,					
a.						
 Respondent poses a significant danger in the near future of causing personal injury to themself 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 use as or easily turned into a receiver or frame (see Penal Code section 16531). A temporary gun violence restraining order is necessary to prevent personal injury to 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 Respondent owns or possesses one or more firearms, firearm parts, ammunition, or 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. And for the reasons stated below.				
		See the attached Attachment (form MC-025).				
) N	o F	ee to Serve (Notify) Restrained Person				
,		sheriff or marshal serves this order, service will be free.				

1	ິ ຄໍ	No Firearms	(Cune)	Firoarm Darte	Ammunition	and Magazines
1	J	ito i il callilo	(J uii 3 /, i	i ii cai iii r ai lo,	Allinalition	anu mayazines

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. The court has received credible information that you own or possess one or more prohibited items that have not been turned in, sold, or stored. 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 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.

8 Number of pages atta	ched to this Order, if any:		
Date:			
		Judicial Officer	



Case Number:		

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.

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 <u>GV-120-INFO</u>) 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 <u>GV-125</u>) and file it with the court clerk.
- If you disagree with the petition, fill out *Response to Petition for Gun Violence Restraining Order* (form <u>GV-120</u>) 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 <u>GV-250</u>). 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 www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also 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.



Casa Number
Case Number:

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.

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's Certificate [seal]	(Clerk will fill out this part.) —Clerk's Certificate—				
	I certify that this <i>Temporary Gun Violence Restraining Order (CLETS-TGV)</i> (form GV-110) is a true and correct copy of the original on file in the court.		/		
	Date:	Clerk, by	, Deputy		
		This is a Court Order.			

GV-120

Response to Petition for Gun Violence Restraining Order

Use this form to respond to the Petition (form GV-100)

- Read *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form <u>GV-120-INFO</u>) to protect your rights.
- If you agree to the Petition for a gun violence restraining order filed against you, use *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form <u>GV-125</u>) to agree to a voluntary gun violence restraining order.
- If you do not agree to the gun violence restraining order filed against you, fill out this form and take it to the filing window at the court.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner or to their lawyer. (Use *Proof of Service by Mail* (form <u>GV-250</u>).)

1 Petitioner

Respondent

Name of person or law enforcement agency seeking order (see form GV-100, item (1)):

Clerk stamps date here when form is filed.

DRAFT 2024-01-29 Not approved by the Judicial Council

Fill in court name and street address:

-III In court	name and	street add	ress:	
Superior	Court of	Californi	a, County	of
•			•	
0 5	,	,		

See Petition for case number and fill in:

Case Number:		

a.	Your Name:								
	Your Lawyer (if you have one for this case)) <i>:</i>		
	Name:					State E	Bar No.:		
	Firm	n Name:							
1_	T 7	A 11	/T.C	1	1		1	,	

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.)

Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and place from form GV-109 item 3 here:

Hearing Date:	Time:	
Dept.:	Room:	

If a Temporary Gun Violence Restraining Order was issued, you must obey it until the hearing. At the hearing, the court may make an order against you for one to five years.

3	Gun	Violence	Restraining	Order
---	-----	----------	-------------	-------

Email Address:

I do not agree to the order requested in the Petition because:						

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use Attachment (form MC-025).

		Case Number:					
4)	☐ Denial						
	I did not do anything described in item (6) of form GV-100.						
5	☐ Justification or Excuse If I did some on all of the things that the Petitionan has accused me of my or	tions were instified an avoyand for the					
	If I did some or all of the things that the Petitioner has accused me of, my ac following reasons (explain):	ctions were justified or excused for the					
	☐ Check here if there is not enough space for your answer. Put your comp paper and write "Attachment 5—Justification or Excuse" as a title. You	·					
Firearms (Guns), Firearms Parts, Ammunition, and Magazines If a Temporary Gun Violence Restraining Order (form GV-110) was issued, you cannot own or posse firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and frame any item that may be used as or easily turned into a receiver or frame (see Penal Code section 1653 item 6 of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency or officer, any of those items in your immediate possession or control within 24 being served with form GV-110. You must file a receipt with the court. You may use Receipt for Fir Firearm Parts, Ammunition, and Magazines (form GV-800) for the receipt. a. I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.							
	 b.						
7	No Body Armor						
	If you were served with form GV-110, <i>Temporary Restraining Order</i> , you are or buying body armor. You must also relinquish any body armor you have it						
	(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 bod by a chief of police or sheriff. See Penal Code section 31360(c). (Att permission, if you have one.)						

Rev. January 1, 2025

	Case Number:
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 Stat all attachments is true and correct.	te of California that the information above and on
Date:	
Type or print your name	Sign your name

DRAFT 2024-01-25 Not approved by the Judicial Council

GV-120-INFO

How Can I Respond to a Petition for a Gun Violence Restraining Order?

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any firearms (guns), firearm parts (also called "ghost guns"), ammunition, or magazines (any ammunition feeding device). 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). The person must turn in, sell, or store all such items that the person currently owns. The person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items and obeying these orders, please see <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

I've been served with a *Petition for Gun Violence Restraining Order*. What do I do?

Read the papers served on you very carefully. The *Notice* of Court Hearing (form GV-109) tells you when to appear in court. There may also be a Temporary Gun Violence Restraining Order (form GV-110) prohibiting you from having any firearms (guns), firearm parts, ammunition, or magazines and requiring you to turn in, sell, or store any such items that you currently own or possess. You must obey the order until the hearing.

Who can ask for a gun violence restraining order?

The petition must have been filed by a:

- Law enforcement officer or agency,
- An employer,
- A coworker who has had "regular interactions" with you for at least a year,
- A teacher or employee of a school that you have attended in the last 6 months,
- An immediate family member of yours,
- A roommate.
- Somebody in a dating relationship with you, or
- Somebody who shares a child with you.

"Immediate family member" is defined to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) you or your spouse's parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; and (3) you or your spouse's aunts, uncles, nieces, nephews, first and second cousins, greatgrandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

What if I don't obey the temporary order?

The police can arrest you. You can go to jail and pay a fine. You could lose access to firearms and other items for a longer period of time.

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



If you disagree with the order that the Petitioner is asking for, fill out Response to Petition for Gun Violence Restraining Order (form GV-120) before your hearing date and file it with the court. You can get the form from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find it at your local courthouse or county law library.

What if I don't oppose the Petition?

If you agree to give up your access to firearms and your rights to own, possess, and buy guns, firearm parts, ammunition, and magazines for the time period requested in the petition, which is between one and five years, then you can fill out Consent to Gun Violence Restraining Order and Surrender of Firearms (form GV-125) and check the box for item 4a. Make sure you take it to the court clerk and file it, and then mail it to the person or law enforcement agency that applied for the petition. The court will issue the gun violence restraining order before the hearing and remove the hearing from the calendar. You do not have to go to your court date, and the court will mail you a copy of the order. Make sure you check with the court to see if you have to show up for your court date.

Will I have to pay a filing fee?

No.

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 *Response to Petition for Gun Violence Restraining Order* (form GV-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 Proof of Service by Mail (form <u>GV-250</u>). 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.

GV-120-INFO, Page 1 of 2



How Can I Respond to a Petition for a Gun Violence Restraining Order?

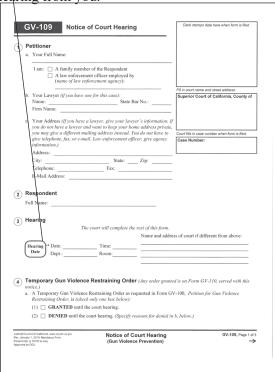
Do I need a lawyer?

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.

Should I attend the court hearing?

Yes. You should attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109). If you do not attend the hearing, the judge can extend the order against you for a period between one and five years without

hearing from you.



You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: www.courts.ca.gov/find-my-court.htm.

Information about the process is also available online.

selfhelp.courts.ca.gov/GV-restraining-order.

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 whether to issue a gun violence restraining order that can last for one to five years.

Will I see the person who asked for the order at the court hearing?

Assume that the person who is asking for the order will attend the hearing. It is probably best not to 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 Declaration (form MC-030) for this purpose.)

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

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

What if I need help to understand English?

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

What if I have a disability?

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

For help in your area, contact:

[Local information may be inserted.]

Rev. January 1, 2025

GV-120-INFO, Page 2 of 2

GV-130

Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order

Clerk stamps date here when form is filed.

Petitioner must complete items $\textcircled{1}$ and $\textcircled{2}$ only.	
Petitioner	DRAFT
a. Your Full Name or Name of Law Enforcement Agency:	2024-01-25 Not approved by the Judicial Council
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	Fill in court name and street address:
officer is employed).	Superior Court of California, County of
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.	Court fills in case number when form is filed.
☐ A person who has a dating relationship with the Respondent.	Case Number:
☐ A person who has a child in common with the Respondent.	
 b. Your Lawyer (if you have one for this case): Name: Firm Name: c. Your Address (If you have a lawyer, give your lawyer's information. If keep your home address private, you may give a different mailing address telephone, fax, or email. Law enforcement officer, give agency information. 	ess instead. You do not have to give
Address:	
City: State: Zip:	Telephone:
Email Address:	_ Fax:
Respondent (Give all the information you know. Information with a star (*) is required police database. If age is unknown, give an estimate.)	to add this order to the California
*Full Name: *Age:	Date of Birth:
*Race: Height: Weight: Hair	Color: Eye Color:
*C1	
City: State:	Zip:
Relationship to Protected Person:	
The court will complete the rest of this for Expiration Date This Order expires at:	m.
(Time): a.m p.m midnight on (date):	

3

(2)

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



			Case Number:							
4	Hearing									
	a. There was a hearing (date):	at (time):	in Dept.:	Room:						
	(Name of judicial officer):		made the orders a	at the hearing.						
	b. These people attended the hearing.									
		e lawyer for the Petitioner								
	(2) \square The Respondent (4) \square Th	e lawyer for the Respondent	(name):							
	· ·	There was not a hearing because Respondent filed a <i>Consent to Gun Violence Restraining Order and Surrender of Firearms</i> (form GV-125).								
5	Findings									
	a. The court finds by clear and convincing	g evidence that the following	are true:							
	their custody or control, owning, p or magazines. This includes firearr into a receiver or frame (see Penal	1) Respondent poses a significant danger of causing personal injury to themself 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 because less restrictive alternatives determined to be inadequate or ina	s either have been tried and fo	ound to be ineffective							
	b. The court has received credible info firearm parts, ammunition, or one or		owns or possesses	one or more firearms,						
	c. The facts as stated in the Petition an establish sufficient grounds for the i	11 0		•						
	See the attached <i>Attachment</i> (for	rm MC 025)								
	d. The Respondent filed Consent to Gu	, and the second	er and Surrender of	Firearms (form						
	GV-125). The court finds that Response purchase, possess, or receive a firear receive those items until: (expiration)	ondent agreed not to have in Irm, firearm part, ammunition	Respondent's custod	ly or control, own,						
		bio is a Court Order								



	Case	Number:
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		5
	 You cannot have in your custody or control, own, purchase, possess, or receive receive, any prohibited items listed below in b. 	e, or attempt to purchase or
	b. Prohibited items are:	
	(1) Firearms (guns);	
	(2) Firearm parts, meaning receivers, frames, and any item that may be used a or frame (see Penal Code section 16531);	as or easily turned into a receiver
	(3) Ammunition; and	
	(4) Magazines (ammunition feeding devices).	
	c. You must surrender (turn in, sell, or store) all prohibited items in your custody own. If a law enforcement officer asks you to turn over your prohibited items, no request is made by a law enforcement officer, you must surrender all prohib being served with this Order. You may surrender these items by turning them them to a licensed gun dealer, or storing them with a licensed gun dealer for as	you must do so immediately. If bited items within 24 hours of in to law enforcement, selling
	d. Within 48 hours of receiving this Order, you must file a receipt with the court prohibited items have been turned in, sold, or stored. (You may use <i>Receipt for Ammunition, and Magazines</i> (form GV-800) for the receipt.) You must also fil law enforcement agency that served you with this order. FAILURE TO FILE VIOLATION OF THIS ORDER.	r Firearms, Firearm Parts, le a copy of the receipt with the
8	No Body Armor	
	You cannot own, possess, or buy body armor (defined in Penal Code section 1628 armor you have in your possession.	8). You must relinquish any body
9	Service of Order on Respondent	
	a. The Respondent was present in court, either physically or remotely (by tele time the order was issued. No other proof of service is needed. The clerk has blank copy of Request to Terminate Gun Violence Restraining Order (form	as provided the Respondent with a
	b. The Respondent was not present in court at the time the order was issued. The personally served with a court file-stamped copy of this Order and a blank Violence Restraining Order (form GV-600) by a law enforcement officer on the action.	copy of Request to Terminate Gun
	c. This is an order based on the Respondent's filing of a <i>Consent to Gun Viole Surrender of Firearms</i> (form GV-125). The court will provide notice to all	
10	Number of pages attached to this Order, if any:	
-	Date:	
	Judio	cial Officer
	This is a Court Order	

GV-130, Page 3 of 5

Rev. January 1, 2025

Case Number:

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.

Instructions for Law Enforcement

Duties of Officer Serving This Order

Rev. January 1, 2025

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).

This is a Court Order.

GV-130, Page 4 of 5

 \rightarrow

Case Number:	

Instructions for Law Enforcement

(continued)

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 8a or 8c 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.

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 will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate [seal]

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
-------	-----------	----------

SV-100

Petition for Private Postsecondary School Violence Restraining Orders

Read *How do I Get a Private Postsecondary School Violence Restraining Order?* (form SV-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

DRAFT

2024-01-25

Not approved by

Clerk stamps date here when form is filed.

•	the Judicial Council			
Petitioner (Educationa	Institution Officer or Employee)			
a. Name:	is			
the chief administrative	e officer Fill in court name and street address:			
officer to maintain or	er on the campus or facility of econdary educational institution):			
and is filing this petiti	on on behalf of the student in (2).			
b. Lawyer for Petitioner (if	ny for this case) Court fills in case number when form is filed.			
	State Bar No.: Case Number:			
c. Petitioner's Address (If the	e petitioner has a lawyer, give the lawyer's information.)			
	State: Zip:			
	Fax:			
Email Address:				
Student in Need of Pro				
Full Name:				
Gender: M F	Nonbinary Age:			
Respondent (Person F	om Whom Protection Is Sought)			
Full Name:	Age:			
	State: Zip:			
Additional Protected P				
facility who are similarly	a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection? Yes No (If yes, list them):			
<u>Full Nam</u>				
	Yes			
	Yes ☐ No			





		Case Number:
b.	Why do these people need protection? (Explain	(n): Response is stated in Attachment 4b.
6) R	elationship of Student and Responde How does the student know the respondent? (I	
b.	Respondent is is not a current stuexpel, or otherwise discipline the respondent):	ident of petitioner's institution. (Explain any decision to retain, Response is stated in Attachment 5b.
') -		
) o	ther Court Cases	
a.	· · ·	hat been involved in another court case with the respondent? case and indicate where and when each was filed): Filed in (County/State) Year Filed Case Number (if known)
	(12) \square Other (specify):	
b.	persons in (4) and the respondent?	ve orders now in effect relating to the student or any of the Yes (If yes, attach a copy if you have one.)

)	De	escription of Respondent's Conduct
	0	Respondent has (check one or more):
	a.	*
		(1) Assaulted, battered, or stalked the student.
		(2) Made a credible threat of violence against the student by making knowing or willful statements or
		engaging in a course of conduct that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.
	b.	One or more of these acts were made off the school campus or facility and can reasonably be understood <i>(check</i>
		either or both):
		(1) To have been carried out at the school campus or facility.
		(2) To be carried out in the future at the school campus or facility.
		Address of campus or facility:
	c.	Describe what happened. (Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses): Response is stated in Attachment 8c.
	d.	Was the student harmed or injured? Yes No (If yes, describe harm or injuries): Response is stated in Attachment 8d.
	e.	Did the respondent use or threaten to use a gun or any other weapon? Yes No (If yes, describe): Response is stated in Attachment 8e.

Rev. January 1, 2025

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, destrepersonal 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 other electronic means. e. ☐ Enter the person's school campus or facility. f. ☐ Other (specify): ☐ As stated in Attachment 9f. The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order. 10 ☐ Stay-Away Order a. I ask the court to order the respondent to stay at least yards away from (check all that apply): (1) ☐ The student. (7) ☐ The place of child care of the student's children. (2) ☐ The other persons listed in (4). (8) ☐ The student's vehicle.	
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, destrepersonal 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 other electronic means. e. Enter the person's school campus or facility. f. Other (specify): As stated in Attachment 9f. The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order. 10 Stay-Away Order a. I ask the court to order the respondent to stay at least yards away from (check all that apply): (1) The student. (7) The place of child care of the student's children. (2) The other persons listed in 4. (8) The student's vehicle.	
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a.	;
d.	oy
telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or other electronic means. e. Enter the person's school campus or facility. f. Other (specify): As stated in Attachment 9f. The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order. 10 Stay-Away Order a. I ask the court to order the respondent to stay at least yards away from (check all that apply): (1) The student. (2) The other persons listed in 4. (8) The student's vehicle.	
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 a. I ask the court to order the respondent to stay at least yards away from (check all that apply): (1)	
(1) ☐ The student. (7) ☐ The place of child care of the student's children. (2) ☐ The other persons listed in (4). (8) ☐ The student's vehicle.	
(2) The other persons listed in (4). (8) The student's vehicle.	
(3) The school (0) The school	
(3) \square The school. (9) \square Other (specify):	
(4) The student's home.	
(5) The student's job or workplace.	—
(6) The school of the student's children.	

□ Response is stated on Attachment 10b. Firearm (Guns), Firearm Parts, and Ammunition Does the respondent own or possess any firearms (guns), firearm parts, or receivers and frames, and any item that may be used as or easily turned in section 16531). □ Yes □ No □ I don't If the judge grants a protective order, the respondent will be prohibited freeiving, or attempting to purchase or receive firearms (guns), firearm parts is in effect. The respondent will also be ordered to turn in to law en licensed gun dealer, any firearms (guns) and firearm parts within their in is granted, respondent will also be prohibited from owning, possessing, or relinquish any they have. □ Temporary Restraining Order I request that a Temporary Restraining Order (TRO) be issued against the presenting form SV-110, Temporary Restraining Order, for the court's si Has the Respondent been told that you were going to go to court to seek and yes □ No (If you answered no, explain why below): □ Reasons are stated in Attachment 12. □ Request for Less Than Five Days' Notice of Hearing You must have your papers personally served on the respondent at least for court orders a shorter time for service. (Form SV-200-INFO explains who SV-200, Proof of Personal Service, may be used to show the court that the If you want there to be fewer than five days between service and the hear	
Does the respondent own or possess any firearms (guns), firearm parts, or receivers and frames, and any item that may be used as or easily turned in section 16531). If the judge grants a protective order, the respondent will be prohibited for receiving, or attempting to purchase or receive firearms (guns), firearm proder is in effect. The respondent will also be ordered to turn in to law endicensed gun dealer, any firearms (guns) and firearm parts within their in is granted, respondent will also be prohibited from owning, possessing, or relinquish any they have. Temporary Restraining Order I request that a Temporary Restraining Order (TRO) be issued against the presenting form SV-110, Temporary Restraining Order, for the court's si Has the Respondent been told that you were going to go to court to seek a Yes No (If you answered no, explain why below): Reasons are stated in Attachment 12. Request for Less Than Five Days' Notice of Hearing You must have your papers personally served on the respondent at least from the court orders a shorter time for service. (Form SV-200-INFO explains who SV-200, Proof of Personal Service, may be used to show the court that the If you want there to be fewer than five days between service and the hear	ted above, will he or she still be able to go explain):
Does the respondent own or possess any firearms (guns), firearm parts, or receivers and frames, and any item that may be used as or easily turned in section 16531). If the judge grants a protective order, the respondent will be prohibited fireceiving, or attempting to purchase or receive firearms (guns), firearm parter is in effect. The respondent will also be ordered to turn in to law enlicensed gun dealer, any firearms (guns) and firearm parts within their in is granted, respondent will also be prohibited from owning, possessing, or relinquish any they have. Temporary Restraining Order I request that a Temporary Restraining Order (TRO) be issued against the presenting form SV-110, Temporary Restraining Order, for the court's si Has the Respondent been told that you were going to go to court to seek a Yes No (If you answered no, explain why below): Reasons are stated in Attachment 12. Request for Less Than Five Days' Notice of Hearing You must have your papers personally served on the respondent at least for court orders a shorter time for service. (Form SV-200-INFO explains who SV-200, Proof of Personal Service, may be used to show the court that the If you want there to be fewer than five days between service and the hear	
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☐ Yes ☐ No (If you answered no, explain why below): ☐ Reasons are stated in Attachment 12. ☐ Request for Less Than Five Days' Notice of Hearing You must have your papers personally served on the respondent at least f court orders a shorter time for service. (Form SV-200-INFO explains whe SV-200, Proof of Personal Service, may be used to show the court that the If you want there to be fewer than five days between service and the hear	
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You must have your papers personally served on the respondent at least f court orders a shorter time for service. (Form SV-200-INFO explains whe SV-200, Proof of Personal Service, may be used to show the court that the If you want there to be fewer than five days between service and the hear	
•	hat is proof of personal service. Form
Decrees on stated in Attachment 12	ring, explain why:
Reasons are stated in Attachment 13.	

Rev. January 1, 2025

SV-100, Page 5 of 6

4 🗆	No Fee for Filing I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.
5	No Fee to Serve Orders I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this reques for orders is based on a credible threat of violence or stalking.
6 [Court Costs I ask the court to order the respondent to pay my court costs.
7 🗆	Additional Orders Requested I ask the court to make the following additional orders (specify): ☐ Additional orders requested are stated in Attachment 17.
	umber of pages attached to this form, if any: ate:
	Lawyer's name (if any) Lawyer's signature
al	declare under penalty of perjury under the laws of the State of California that the information above and on l attachments is true and correct. ate:
_	Name of petitioner Signature
_	Title
I	consent to the filing of the Petition.
D	ate:
_	Name of student Signature
	Tiane of Staten

DRAFT 2024-01-25 Not approved by the Judicial Council

SV-100-INFO

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a private postsecondary school violence protection order?

Under California law (Code Civ. Proc., § 527.85), courts can make orders to protect a student from being subjected to credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- · Contact or go near the student; and
- Have any firearms (guns), firearm parts, 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 this school violence protection order?

The chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request court orders prohibiting credible threats of violence against a student. These orders must be requested by an officer of the institution that the student attends or is applying to.

- A "chief administrative officer" is the principal, president, or highest-ranking official of the private postsecondary educational institution.
- A "postsecondary educational institution" is a private institution of vocational, professional, or postsecondary education.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me* (form CH-100-INFO)?

Judicial Council of California, www.courts.ca.gov

Rev. January 1, 2025, Optional Form Code of Civil Procedure, § 527.85

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A "student" is an adult currently enrolled in or applying for admission to a private postsecondary educational institution.
- The "respondent" is the person against whom the school official is requesting the protective order.

A school official may seek protection under this law if:

- 1. The student has suffered a credible threat of violence from any individual;
- 2. The credible threat of violence, while made off of the campus or facility, can reasonably be construed to be carried out or have been carried out at the school campus or facility;
- 3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
- 4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

A school official may seek protection under this law if:

- 1. *Petition for Private Postsecondary School Violence Restraining Orders* (Petition) (form SV-100). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
- 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 <u>SV-109</u>). 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.

SV-100-INFO, Page 1 of 4



SV-100-INFO

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

5. Private Postsecondary School Violence Restraining Order After Hearing (Order) (form SV-130). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* (form <u>SV-200</u>). 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 www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

Rev. January 1, 2025

The school official may be represented by a lawyer, but one is not required by law. Because the school official's lawyer will generally be representing the interests of the student, the student usually does not need his or her own lawyer. Whether or not the school official has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

- 1. Fill in the **Petition** (form <u>SV-100</u>) completely and fill in items 1–3 of the *Notice of Court Hearing* (form <u>SV-109</u>). If you are seeking a **TRO**, also fill out form <u>SV-110</u>.
- 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 <u>SV-100</u>). You may use form <u>MC-031</u>, Attached Declaration.
- 3. Fill in *Confidential CLETS Information* (form <u>CLETS-001</u>) 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 <u>SV-110</u> completely. The petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.
 - To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:
 - a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
 - b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
- 5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form SV-109).
- 6. If you are seeking a TRO (form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.





SV-100-INFO

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

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 <u>SV-250</u>). 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.

Rev. January 1, 2025

11.Go to court on the date shown at item 4 on the *Notice of* Court Hearing (form \$V-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 he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

a. Name:		
	er (if any for this case): State Bar No.:	
Firm Name:		
h Address (If you have	a lawyer, give your lawyer's information.):	
20222	The state of the s	FN in court name and street address:
Address:		Superior Court of California, County of
City:	State: Zip:	.
Telephone:	Fax:	
E-Mail Address:		
Student in Need of	Protection	FN In case number:
Full Name:	Manager production and	Case Number:
	on From Whom Protection Is Sought)	31310 (30104410333)
Respondent (Perso		
A CONTRACTOR OF THE PROPERTY.		
Respondent (Perso Full Name:		
The state of the s		
The state of the s		m.
The state of the s		m.
Full Name:		

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

ludicial Council of California, www.courts.ca.gov Revised January 1, 2012. Mandatory Form	Notice of Court Hearing	SV-109, Page 1 o
Code of Civil Procedure, § 527.85 Approved by DOJ	(Private Postsecondary School Violence Prevention)	



SV-100-INFO

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

- 12.If the judge signs the **Order** (form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13.If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form SV-260, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your student and to each other protected person. Keep at least one copy for yourself.
- 14.Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.
- 15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

What if I have a disability?

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

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.]

	SV-109 Notice of Court Hearing	J	Clerk stamps date here when form is filed.
1)	Petitioner (Educational Institution Officer or a. Name:	Employee)	DRAFT 2024-01-25
	Lawyer for Petitioner (if any for this case): Name: Firm Name:	No.:	Not approved by the Judicial Council
	b. Address (If you have a lawyer, give your lawyer's info Address: City: Telephone: Fax:	Zip:	
2	Email Address: Student in Need of Protection Full Name:		Fill in case number: Case Number:
4	Full Name: The court will complete Notice of Hearing A court hearing is scheduled on the request for	the rest of this fo	
			dress of court if different from above:
	Hearing Date: Time: Room:		
If you	ne person in 3: you attend the hearing (in person, by phone, or by videocout, the order will be effective immediately, and you could you do not attend the hearing, the judge may still grant the pureceive a copy of the order, you could be arrested if you	be arrested if you e restraining orde	u violate the order. er that could last up to five years. After
5	Temporary Restraining Orders (Any orders gran a. Temporary Restraining Orders for personal conduct a Request for Private Postsecondary School Violence R (1) All GRANTED until the court hearing.	nted are on form and stay-away or	SV-110, served with this notice.) ders as requested in form SV-100,
	(2) All DENIED until the court hearing. (Specify	v reasons for den	ial in b, below.)
	(3) Partly GRANTED and partly DENIED until	, and the second	

	b.	Reasons that Temporary Restraining Orders as requested in form SV-100, <i>Petition for Private Postsecondary School Violence Restraining Orders</i> , for personal conduct or stay-away are denied are:
		(1) The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.
		(2) Other (specify): As stated on Attachment 5b.
6	At pr	ervice of Documents by the Petitioner least five days before the hearing, someone age 18 or older—not you or anyone to be otected—must personally give (serve) a court file-stamped copy of this form SV-109, Notice of Court Hearing, the respondent along with a copy of all the forms indicated below:
	a.	SV-100, Petition for Private Postsecondary School Violence Restraining Orders (file-stamped)
	b.	SV-110, Temporary Restraining Order (file-stamped) IF GRANTED
	c.	SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders (blank form)
	d.	SV-120-INFO, How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?
	e.	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 Private 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 Private Postsecondary School Violence?

Case N	umber:		

To the Respondent:

- If you want to respond to the request for orders in writing, file form SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders, and have someone age 18 or older—not you or anyone to be protected—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form SV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts 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 www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate

[seal]

Date:

Clerk, by ______, Deputy

SV-110 T	Temporary Restraining Order	Clerk stamps date here when form is filed.
Petitioner (Educa	ational Institution Officer or Employee	—) DRAFT
	oner (if any, for this case):	2024-01-25
	State Bar No.:	Not approved by the Judicial Council
		the Judicial Council
	you have a lawyer, give your lawyer's information	<u>n.):</u>
Address:		
	State: Zip:	
Telephone:	Fax:	
Email Address:		
Ctudent /Dtt	and Davage)	
Student (Protector Full Name:	ea Person)	
		Court fills in case number when form is filed.
•	tion you know. Information with a star (*) is requ	
(Give all the informate to add this order to the give an estimate.)	tion you know. Information with a star (*) is requ he California police database. If age is unknown,	
(Give all the informate to add this order to the give an estimate.) *Full Name:	tion you know. Information with a star (*) is requ he California police database. If age is unknown, *A	.ge: Date of Birth:
(Give all the informate to add this order to the give an estimate.) *Full Name: *Race:	tion you know. Information with a star (*) is requ he California police database. If age is unknown, *A Height: Weight:	ge: Date of Birth: Hair Color: Eye Color:
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(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: City:	tion you know. Information with a star (*) is required he California police database. If age is unknown, A Height: Weight: F Nonbinary Home Address: State: Zip:	ge: Date of Birth: Hair Color: Eye Color:
(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: M	tion you know. Information with a star (*) is required he California police database. If age is unknown, A Height: Weight: F Nonbinary Home Address: State: Zip:	ge: Date of Birth: Hair Color: Eye Color:
(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: City: Relationship to Prot	tion you know. Information with a star (*) is required he California police database. If age is unknown, A Height: Weight: State: Zip:	ge: Date of Birth: Hair Color: Eye Color:
(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: *Gender: M City: Relationship to Prot In addition to the students and the informate to the students and the information an	tion you know. Information with a star (*) is required he California police database. If age is unknown, *A	ge: Date of Birth: Hair Color: Eye Color:
(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: M City: Relationship to Prot Additional Prot In addition to the studytemporary orders indite	tion you know. Information with a star (*) is required he California police database. If age is unknown, *A	ge: Date of Birth: Hair Color: Eye Color: :
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(Give all the informate to add this order to the give an estimate.) *Full Name: *Race: *Gender: M City: Relationship to Prot Additional Protect In addition to the study temporary orders individually full in the study of the st	tion you know. Information with a star (*) is required he California police database. If age is unknown, *A	ge: Date of Birth: Eye Color: or other students are protected by the nold Member? Relation to Student res No No No No Attachment 4.



Case Number:	

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.

disturb the peace of the person. (2) Commit acts of violence or make threats (3) Follow or stalk the person during school (4) Contact the person, either directly or ind telephone, in writing, by public or private (5) Enter the person's school. (6) Take any action to obtain the person's action good cause not to make this order (7) Other (specify):	or otherwise), batter, abuse, destroy personal property of, or sof violence against the person. I hours or to or from the school. directly, in any way, including, but not limited to, in person, by the mail, by email, by fax, or by other electronic means. ddress or locations. If this item is not checked, the court has				
disturb the peace of the person. (2) Commit acts of violence or make threats (3) Follow or stalk the person during school (4) Contact the person, either directly or ind telephone, in writing, by public or private (5) Enter the person's school. (6) Take any action to obtain the person's action good cause not to make this order (7) Other (specify):	s of violence against the person. I hours or to or from the school. directly, in any way, including, but not limited to, in person, by te mail, by email, by fax, or by other electronic means. ddress or locations. If this item is not checked, the court has				
 (3) Follow or stalk the person during school (4) Contact the person, either directly or ind telephone, in writing, by public or private (5) Enter the person's school. (6) Take any action to obtain the person's act found good cause not to make this order (7) Other (specify): 	I hours or to or from the school. directly, in any way, including, but not limited to, in person, by te mail, by email, by fax, or by other electronic means. ddress or locations. If this item is not checked, the court has				
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telephone, in writing, by public or private (5) Enter the person's school. (6) Take any action to obtain the person's action good cause not to make this order (7) Other (specify):	te mail, by email, by fax, or by other electronic means. ddress or locations. If this item is not checked, the court has				
(6) Take any action to obtain the person's actioned good cause not to make this order(7) Other (specify):	· ·				
found good cause not to make this order (7) Other (specify):	· ·				
(7) \square Other (specify):					
Other personal conduct orders are at	tached at the end of this Order on Attachment 6a(7).				
to a court case is allowed and does not violate thon the petitioner.	rocess server or other person for service of legal papers related his order. However, you may have your papers served by mail				
Stay-Away Order Not Requested Denied Until the Hearing Granted as Follows:					
•	y from (check all that apply):				
$(1) \Box \text{The student}$	(7) The student's children's place of child care				
(2) ☐ Each other protected person listed in (4)					
(3) The school	(9) Other (specify):				
(4) The student's home					
(5) Tri (1,1) 1 1					
(5) L The student's job or workplace					
Y (; (; (4	You must stay at least yards away 1) ☐ The student 2) ☐ Each other protected person listed in ④ 3) ☐ The school 4) ☐ The student's home				



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) and firearm parts 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) and firearm parts have been turned in, sold, or stored. (You may use <i>Receipt for Firearms and Firearm Parts</i> (form SV-800) for the receipt.)
	d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
	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.
	Other Orders
0)	□ Not Requested □ Denied Until the Hearing □ Granted as Follows (specify):
	- Not requested - Berned Onth the Hearing - Granted as Follows (openly).
	Additional orders are attached at the end of this Order on Attachment 10.
	To the Person in 1:
1	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). <i>(Check one)</i> :
	a. The clerk will enter this Order and its proof-of-service form into CARPOS.
	b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
	This is a Court Order.

		Case Number:
11		r is made, the petitioner or the petitioner's lawyer should e form to the law enforcement agencies listed below to
	Name of Law Enforcement Agency	Address (City, State, Zip)
	Additional law enforcement agencies are liste	ed at the end of this Order on Attachment 11.
12	No Fee to Serve (Notify) Restrained Person The sheriff or marshal will serve this Order without charge a. The Order is based on a credible threat of violence b. The petitioner is entitled to a fee waiver.	
13	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) and firearm parts 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.



(ase Number:

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 Private 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 Private 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 threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form SV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form SV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, Declaration, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

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).)



Case Number:		

Conflicting Orders—Priorities for Enforcement

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

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate [seal]

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

Date: Clerk, by	, Deputy
-----------------	----------

SV-120

Response to Petition for Private Postsecondary School Violence Restraining Orders

Use this form to respond to the *Petition* (form SV-100)

- Read How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (form SV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the petitioner's lawyer by mail with a copy of this form and any attached pages. (Use form SV-250) Proof of Service of Response by Mail

2	Petitioner (Educational Institution Officer or Emp	oloyee)			
\bigcirc					
\bigcirc	Student Seeking Protection				
1	Full Name:	Fill in case number:			
3 F	Respondent (Person From Whom Protection Is S	Case Number:			
	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:	The court will consider your response at the hearing. Write your hearing date, time, and pla from form SV-109, item (4) here:			
	City: State: Zip:	-			
	Telephone: Fax:	Hearing Date: Time: Room:			
	Email Address:	If you were served with a Temporary			
4	Personal Conduct Orders	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			
a	a. I agree to the orders requested.				
	 I do not agree to the orders requested.				
5	□ Stay-Away Orders				
a					
b	b. \square I do not agree to the orders requested. (Specify why you disagree in item \bigcirc on page \bigcirc 4.)				
C	e. I agree to the following orders (specify below or in item	1 <mark>12</mark> on page <mark>4</mark>):			

Clerk stamps date here when form is filed.

DRAFT

2024-01-29

Not approved by

the Judicial Council

Fill in court name and street address:

131

Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9

		Case Number:
6	 ☐ Additional Protected Persons a. ☐ I agree that the persons listed in item 4 of the Petition may be prote b. ☐ I do not agree that the persons listed in item 4 of the Petition may be 	
7	Firearms (Guns), Firearm Parts, and Ammunition	
	If you were served with form SV-110, <i>Temporary Restraining Order</i> , you (guns), firearm parts, or ammunition. This includes firearm receivers a used as or easily turned into a receiver or frame (see Penal Code section SV-110.) You must sell to or store with a licensed gun dealer, or turn in firearms (guns) or firearms parts in your immediate possession or contraining the section of the section SV-110. You must file a receipt with the court. You may use <i>Parts</i> (form SV-800) for the receipt.	nd frames, and any item that may be a 16531). (See item 8 of form to a law enforcement agency, any rol within 24 hours of being served
	a. I do not own or control any firearms (guns), firearm parts, or ammun	ition.
	b. I ask for an exemption from the firearms prohibition under Code of C carrying a firearm is a condition of my employment, and my employ position where a firearm is unnecessary. (Explain):	
	☐ Check here if there is not enough space below for your answer. P sheet of paper and write "Attachment 7b—Firearms Surrender E. MC-025, Attachment.	
	 c. I have turned in my firearms (guns) and firearm parts to the police or licensed gun dealer. A copy of the receipt is attached. has already been filed 	
8	No Body Armor	
	If you were served with form SV-110, <i>Temporary Restraining Order</i> , you a or buying body armor. You must also relinquish any body armor you have it	
	(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 by a chief of police or sheriff. See Penal Code section 31360(c). (Attapermission, if you have one.)	

SV-120, Page 2 of 5

Rev. January 1, 2025

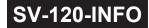
9	☐ Other Orders	
	a. I agree to the orders requested.	
	b. \Box I do not agree to the orders requested. (Specify why you disagree in item \bigcirc on page \bigcirc 4.)	
	c. \square I agree to the following orders (specify below or in item (12) on page (4) :	
10)	☐ Denial I did not do anything described in item (8) of form SV-100. (Skip to (12).)	
	I did not do anything described in heim & of form sv-100. (Skip to 12)	
11	☐ Justification or Excuse	
11)		20
	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):	16
	\square Check here if there is not enough space below for your answer. Put your complete answer on an attached sho	eet
	of paper and write "Attachment 11—Justification or Excuse" as a title. You may use form MC-025, Attachm	ent.

		Cas	se Number:
Explain your answers to Check here if there is	t Agree to the Orders Receath order requested that you do not enough space below for you attachment 12—Reasons I Disag	o not agree with. er answer. Put your con	-
— N. F., f. Fu			
□ No Fee for Filing		natitionar alaims in far	m SV 100 item (1) to be entitle
	waive the filing fee because the	petitioner claims in for	rm SV-100 item (14) to be entitle
 I ask the court to free filing. I request that I no 		e because I am eligible	
 a.	waive the filing fee because the	e because I am eligible	
 a.	waive the filing fee because the	e because I am eligible ately.)	for a fee waiver. (Form FW-00
 a.	waive the filing fee because the at be required to pay the filing fee court Fees, must be filed separatore order the petitioner to pay my condend the petitioner to p	e because I am eligible rately.) ourt costs. The amounts	for a fee waiver. (Form FW-00) is requested are: Amount
 a.	waive the filing fee because the at be required to pay the filing fee court Fees, must be filed separatore order the petitioner to pay my condend the petitioner to p	e because I am eligible rately.) ourt costs. The amounts	for a fee waiver. (Form FW-00) is requested are: Amount
 a.	waive the filing fee because the st be required to pay the filing fee a Court Fees, must be filed separatories order the petitioner to pay my conditional fee.	e because I am eligible rately.) ourt costs. The amounts	for a fee waiver. (Form FW-00) is requested are: Amount

costs.

	Case Number:
Number of pages attached to this form, if any:	
Date:	
Lawyer's name (if any)	Lawyer's signature
declare under penalty of perjury under the laws of the State of correct.	California that the information above is true and
Date:	
Type or print your name	Sign your name

DRAFT 2024-01-25 Not approved by the Judicial Council



How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

What is a private postsecondary school violence restraining order?

It is a court order that prohibits you from doing certain things and going 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 private postsecondary school violence restraining order?

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

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

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

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

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

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form SV-120 to the person named in item ① of the petition form SV-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 <u>SV-250</u>, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

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

SV-109 Notice of Court Hearing	Clerk stamps date here when form is filed.
1 Petitioner (Educational Institution Officer or Employee) a. Name:	
Lawyer for Petitioner (if any for this case): Name:State Ba No.:	
Firm Name: b. Address (If you have a lawyer, give your lawyer's information.):	
/	Fill in court name and street address:
Address: City: State: Zip: Telephone: Inx: E-Mail Address:	Superior Court of California, County of
(2) Student in Need of Protection	Fill in case number:
Full Name: (3) Respondent (Person From Whom Protection Is Sought)	Case Number:
Full Name: The court will complete the rest of this for	
4 Notice of Hearing	
A court hearing is scheduled on the request for restraining ord	ers against the respondent:
Hearing Date: Time: Name and addre Dopt: Room:	
	-

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

- a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below)
 - (1) All GRANTED until the court hearing.
 - (2) \square All DENIED until the court hearing. (Specify reasons for denial in b, below.)
 - (3) Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b. below.)

Judicial Council of California, www.courts.ca.g Revised January 1, 2012, Mandatory Form Code of Civil Procedure, § 527.85 Approved by DOJ Notice of Court Hearing ate Postsecondary School Violence Prevention SV-109, Page 1 of 3





SV-120-INFO

How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

How long does the order last?

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

Do I need a lawyer?

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

Will I see the student at the court hearing?

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

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 <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter</u>.

What if I have a gun?

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

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

No. Once the order is issued, only the judge can change or cancel it. You or the 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.

SV-130

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

N.T.	nal Institution Officer o		2024-01-25 Not approved by
Lawyer for Petitioner (the Judicial Council
Name:	State Bar	No.:	
b. Your Address (If you he Address:	ave a lawyer, give your lawy	er's information.)	Fill in court name and street address: Superior Court of California, County
City:	State:	Zip:	
Telephone:	Fax:		
Email Addmaga			
Student (Protected P	erson)		Court fills in case number when form is filed.
Full Name:			Case Number:
*Full Name:		*Age:	Date of Birth:
*Full Name:		*Age:	Date of Birth:
1 un i vanic.			
*Race:	Height: We	ight: Hair	Color: Eye Color:
*Race:	Height: We Nonbinary Home Add	ight: Hair	Color: Eye Color:
*Race: *Gender: M F	Height: We	ight: Hair lress:	Color: Eye Color:
*Race: *Gender: M F	Height: We Nonbinary Home Add	ight: Hair dress: Zip:	Color: Eye Color:
*Race: *Gender: M F City: Relationship to Protected Additional Protect	Height: We Nonbinary Home Add State: State: Person: sted Persons the following family or house below:	ight: Hair dress: Zip:	ther students are protected by the Member? Relation to student
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the student, the temporary orders indicated	Height: We Nonbinary Home Add State: State: Person: sted Persons the following family or house below:	ight: Hair lress: Zip: ehold members or o Age Household Yes [ther students are protected by the Member? Relation to student No
*Race: *Gender: M F City: Relationship to Protected Additional Protect In addition to the student, the temporary orders indicated Full Name	Height: We Nonbinary Home Add State: State: Person: sted Persons the following family or house below:	ight: Hair lress: Zip: ehold members or o Age Household	ther students are protected by the Member? Relation to student No No No No
*Race: *Gender:	Height: We Nonbinary Home Add State: Person: ted Persons the following family or house below:	ight: Hair lress: Zip: ehold members or o Age Household	ther students are protected by the Member? Relation to student No No No No
*Race: *Gender:	Height: We Nonbinary Home Add State: Person: ted Persons the following family or house below:	ight: Hair lress: Zip: ehold members or o Age Household Yes [Yes []es [ther students are protected by the Member? Relation to student No No No No



			Case Number	:
_				
3)	Hearing			
	a. There was a hearing on (date):			
	(Name of judicial officer):		made the orders	at the hearing.
	b. These people were at the hearing:			
	(1) The petitioner/school representa			
	(2) The lawyer for the petitioner/sch			
	(3) ☐ The student (4) ☐ The (5) ☐ The respondent (6) ☐ The			
	Additional persons present are listed			
	c. The hearing is continued. The partie			at (time):
	e The hearing is continued. The partie	s must return to court on	(uuie).	at (time)
	Ţ.	To the Respondent:		
а	The court has granted the orders chec arrested and charged with a crime. You 1,000, or both.	_	•	
·	Personal Conduct Orders			
	a. You are ordered not do the following th	ings to the student		
	and to the other protected persons l	listed in 4 :		
	(1) Harass, molest, strike, assault (s disturb the peace of the person.	sexually or otherwise), ba	tter, abuse, destroy pe	ersonal property of, or
	(2) Commit acts of violence or mak	te threats of violence aga	inst the person.	
	(3) Follow or stalk the person durin	_		
	(4) Contact the person, either direct telephone, in writing, by public by other electronic means.		•	
	(5) Enter the person's school.			
	(6) Take any action to obtain the pe found good cause not to make the		ns. If this item is not o	checked, the court has
	(7) \square Other (specify):			
	Other personal conduct orde	ers are attached at the enc	of this Order on Atta	chment 7a(7).
	1. P C. I		-41	
	b. Peaceful written contact through a lawy to a court case is allowed and does not v		other person for servi	ce of legal papers related
	π	his is a Court Order	1	

SV-130, Page 2 of 6

Rev. January 1, 2025

8	St	ay-Away Orders
	a.	You must stay at least yards away from (check all that apply):
		(1) The student. (7) The student's children's place of child care.
		(2) Each other protected person listed in (4). (8) The student's vehicle.
		(3) \square The school. (9) \square Other (specify):
		(4) The student's home.
		(5) The student's job or workplace.
		(6) The student's children's school.
	b.	This stay-away order does not prevent you from going to or from your home or place of employment.
9)	N	o 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) and firearm parts 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) and firearm parts have been turned in, sold, or stored. (You may use <i>Receipt for Firearms and Firearm Parts</i> (form SV-800) for the receipt.)
	d.	☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
	e.	The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in 3 is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):
		The firearm must be in the physical possession of the person in 3 only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in 3 may be subject to federal prosecution for possessing or controlling a firearm.
10)	No	o Body Armor
	Yo	ou cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body
	arı	mor you have in your possession.
		This is a Court Order.

SV-130, Page 3 of 6



11		Costs					
•••	_	ou must pay the followir <u>Item</u>	ng amounts for cost Amou	•	<u>Item</u>		Amount
	_		\$			\$	
	_		\$			\$ -	
		Additional amounts are	e attached at the en	d of this Order on A	Attachment 11.	·	
12		Other Orders (specify)):				
		Additional orders are a	ittached at the end	of this Order on Atta	achment 12,		
			To the	e Person in 1:			
13	This (datory Entry of Ord Order must be entered in Ornia Law Enforcement	to the California R	estraining and Prote	ective Order Sys	tem (CARP	OS) through the
	a. 🗌	The clerk will enter thi	is Order and its pro	of-of-service form i	nto CARPOS.		
	b	The clerk will transmit into CARPOS.	this Order and its	proof-of-service for	m to a law enfor	rcement age	ncy to be entered
	c.	By the close of busines deliver a copy of the O into CARPOS:					
		Name of Law Enforce	ement Agency		Address (Cit	ty, State, Zip)
		☐ Additional law en	forcement agencies	s are listed at the end	d of this Order o	on Attachme	nt 13,
14	Serv	vice of Order on Re	spondent				
<u> </u>	a. 🗌	The respondent person videoconference). No	-		cally or remotely	(by telepho	one or
	b. [The respondent did no	t attend the hearing	Ţ.			
	(1	orders in this form		mporary Restraining form SV-110 excep ay be by mail.			
	(2		t the petitioner or a	ifferent from the ten inyone protected by		-	
			This is	s a Court Order			

SV-130, Page 4 of 6

Rev. January 1, 2025

15	No Fee to Serve (Notify) Restrained Person The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.
16	Number of pages attached to this Order, if any:
	Date:
	Judicial Officer

Warning and Notice to the Respondent:

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

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in 10 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 14), 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 (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.

SV-130, Page 5 of 6



Case Number:	

Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate [seal]	(Clerk will fill out this part.) —Clerk's Certificate—	
	I certify that this <i>Private Postsecondary School Hearing</i> is a true and correct copy of the origin	e v
Da	te: Clerk, by	, Deputy

WV-100

Petition for Workplace Violence Restraining Orders

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.

retitioner (Employer or Collective Bargaining	the Judicial Council
R <mark>epresentative</mark>)	
. Name:	_
is a [Employer	Fill in court name and street address:
Collective Bargaining Representative	Superior Court of California, County of
Specify union:	
and is filing this suit on behalf of the employee identified in item (2).
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	
nformation.)	Court fills in case number when form is filed.
Address	Case Number:
	-
City: State: Zip: Telephone: Fax:	
T	
Employee Who Suffered Harassment, Violence, or Thre	at of Violence
full Name:	
un name:	
Gender: M F Nonbinary Age:	
Gender: M F Nonbinary Age:	
Gender: M F Nonbinary Age: Vorkplace Address:	Zip:
Gender: M F Nonbinary Age: Vorkplace Address:	
Gender: M F Nonbinary Age:	as a result of this petition. Good cause for
Sender: M F Nonbinary Age:	as a result of this petition. Good cause for 2.
Sender: M F Nonbinary Age: Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment Respondent (Person From Whom Protection Is Sought)	as a result of this petition. Good cause for 2.
Gender: M F Nonbinary Age: Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment cull Name:	as a result of this petition. Good cause for 2. Age:
Sender: M F Nonbinary Age: Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought and Sought (Person From Whom Protection Is Sought) Cull Name: Address (if known):	as a result of this petition. Good cause for 2. Age:
Sender: M F Nonbinary Age: Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Respondent (Person From Whom Protection Is Sought Full Name: Address (if known):	as a result of this petition. Good cause for 2. Age:
Vorkplace Address: City: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought Full Name: Address (if known): City: State: Protected Persons Not Listed in 2	as a result of this petition. Good cause for 2. Age: Zip:
Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought) (Full Name: Address (if known): City: State: Protected Persons Not Listed in 2 Are you asking for protection for any family or household members	as a result of this petition. Good cause for 2. Age: Zip: of the employee or for any other employees
Workplace Address: City: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought Full Name: Address (if known): City: State: Protected Persons Not Listed in 2 Are you asking for protection for any family or household members at the employee's workplace or at other workplaces of the petitioner.	as a result of this petition. Good cause for 2. Age: Zip: of the employee or for any other employees
Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought Full Name: Address (if known): City: State: Protected Persons Not Listed in 2 Are you asking for protection for any family or household members at the employee's workplace or at other workplaces of the petitioner Section 1.	as a result of this petition. Good cause for 2. Age: Zip: of the employee or for any other employees?
Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought Full Name: Address (if known): City: State: Protected Persons Not Listed in 2 Are you asking for protection for any family or household members at the employee's workplace or at other workplaces of the petitioner Section 1.	as a result of this petition. Good cause for 2. Age: Zip: of the employee or for any other employees?
Vorkplace Address: City: State: This employee declines to be named in any restraining order issued protecting the people listed in item 4 is described in Attachment (Person From Whom Protection Is Sought Full Name: Address (if known): City: State: Protected Persons Not Listed in 2 Are you asking for protection for any family or household members at the employee's workplace or at other workplaces of the petitioner Section 1.	as a result of this petition. Good cause for 2. Age: Zip: of the employee or for any other employees

Clerk stamps date here when form is filed.

DRAFT

01/29/2024

Not approved by

				Case Number:
4	b.	Why do these people need protection? (Explain ☐ Response is stated in Attachment 4b.	ı):	
5		elationship of Employee and Respondent?		onse is stated in Attachment 5a.
	b.	Respondent is is not a current em otherwise discipline the respondent):		plain any decision to retain, terminate, or onse is stated in Attachment 5b.
6		hy are you filing in this county? (Check all that The respondent lives in this county. The respondent has caused physical or emo		* *
7		ther Court Cases		
	a.	Has the employee or any of the persons named No Yes If yes, check each kind of contains Kind of Case (1) Workplace Violence (2) Civil Harassment (3) Domestic Violence (4) Divorce, Nullity, Legal Separation (5) Paternity, Parentage, Child Support (6) Eviction (7) Guardianship (8) Small Claims (9) Postsecondary School Violence (10) Criminal (11) Other (specify):	0	nd when each was filed:
	b.	Are any restraining orders or criminal protective persons in (4) and the respondent? No This is no		lating to the employee or any of the ch a copy if you have one.)

)	De	escription 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.

		Case Number:
8	f. For any of the incidents described above, did the police configure of the respondent receive an Emeron Yes No I don't know If yes, the order protects (check all that apply): the employee the respondent of (Attach a copy of the order if you have one.)	<u> </u>
	Check the orders you want ☑	
9	 □ Personal Conduct Orders I ask the court to order the respondent not to do any of the follower protected listed in 4: a. □ Harass, intimidate, molest, attack, strike, stalk, threater personal property of, or disturb the peace of the person b. □ Commit acts of unlawful violence on or make threats of c. □ Follow or stalk the person during work hours or to or fold. □ Contact the person, either directly or indirectly, by any telephone, in writing, by public or private mail, by integrated other electronic means. e. □ Enter the person's workplace. f. □ Other (specify): □ As stated in Attachment 9f. 	f violence to the person. rom the place of work. means, including, but not limited to, in person, by
10	The respondent will be ordered not to take any action to get the unless the court finds good cause not to make the order. Stay-Away Orders	
	a. I ask the court to order the respondent to stay at least	yards away from (check all that apply):
	(1) \square The employee. (8) \square	The employee's vehicle.
	(2) The other persons listed in (4). (9)	Other (specify):
	(3) ☐ The employee's workplace.(4) ☐ The employee's home.	
	(5) The employee's school.	
	(5) ☐ The employee's school.(6) ☐ The school of the employee's children.	
	(7) The place of child care of the employee's children.	

	Case Number:							
	f the court orders the respondent to stay away from all the places listed above, will he or she still be able to ge o his or her home, school, or job? Yes No (If no, explain): Response is stated on Attachment 10b.							
Do	Firearm (Guns), Firearm Parts, and 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							
sec	ion 16531).							
record lice	Yes No I don't know le judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, iving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protection is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a used gun dealer, any firearms (guns) and firearm parts within his or her immediate possession or control. If a per is granted, respondent will also be prohibited from owning, possessing, or buying body armor and would be to relinquish any they have.							
I re pres	☐ 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, <i>Temporary Restraining Order</i> , 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.							
) 🗆	Request for Less Than Five Days' Notice of Hearing							
сои	must have your papers personally served on the respondent at least five days before the hearing, unless the torders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form 200, Proof of Personal Service, may be used to show the court that the papers have been served.)							
	ou want there to be fewer than five days between service and the hearing, explain why:							
	Reasons are stated in Attachment 13.							

		Case Number:
14)	 □ No Fee for Filing I ask that there be no filing fee because the respondent has threatened viole employee, or acted or spoken in a manner that has placed the employee in respondent. 	
15)	☐ No Fee to Serve Orders I ask the court to order the sheriff or marshal to serve the respondent with the orders is based on a credible threat of violence or stalking.	ne others for free because this request for
16)	☐ Court Costs I ask the court to order the respondent to pay my court costs.	
17)	 ☐ Additional Orders Requested I ask the court to make the following additional orders (specify): ☐ Additional orders requested are stated in Attachment 17. 	
18)	Number of pages attached to this form, if any:	
Date:		
	Lawyer's name (if any)	Lawyer's signature
	are under penalty of perjury under the laws of the State of California that the aments is true and correct.	e information above and on all
	Name of petitioner	Signature
	Title	

DRAFT 2024-01-29 Not approved by the Judicial Council

WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a workplace violence protective order?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering harassment, unlawful violence, or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten an employee;
- Contact or go near an employee; 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 <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting harassment, unlawful violence, or credible threats of violence against their employees. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Collective Bargaining Representatives can also obtain orders prohibiting harassment, unlawful violence, or credible threats of violence against employees. In order to bring a petition for an order under this law, the collective bargaining representative must serve as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definitions of "employer" or "collective bargaining representative" as defined above.

The statute differs from other California laws that allow victims of harassment, unlawful violence, or credible threats of violence to ask the court for these orders **themselves.** If anyone other than the employer or the collective bargaining representative wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO).

Who can an employer or collective bargaining representative protect under this law?

Under this statute, an employer or collective bargaining representative can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee's workplace or at other workplaces of the employer.

Note: Before filing a petition, an employer or collective bargaining representative of an employee must provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the restraining order. An employee's request to not be named in the order does not prohibit an employer or collective bargaining representative from seeking a restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

California law defines "employees" as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.

WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

The "respondent" is the person against whom the employer or collective bargaining representative is requesting the protective order.

An employer may seek protection under this law if:

- 1. An employee has suffered harassment, unlawful violence, or a credible threat of violence from any individual;
- 2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
- 3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
- 4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

- 1. Petition for Orders Workplace Violence Restraining Orders (Petition) (form WV-100). This form tells the judge the facts of the petitioner's case and what orders the petitioner wants the court to make.
- Confidential Information for Law Enforcement (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 <u>WV-109</u>). This form tells the parties when the hearing on the petition will be held.
- 4. Temporary Restraining Order (TRO) (form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
- 5. Workplace Violence Restraining Order After Hearing (Order) (form WV-130). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.
 - These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.
- 6. *Proof of Personal Service* (form WV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

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

Do I need a lawyer?

The employer or collective bargaining representative may be represented by a lawyer, but one is not required by law unless an employer that is a corporation is the petitioner. Because the employer's or union's lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer or collective bargaining representative has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

- Fill in the **Petition** (form <u>WV-100</u>) completely and fill in items 1–3 of the *Notice of Court Hearing* (form <u>WV-109</u>). If you are seeking a **TRO**, also fill out form <u>WV-110</u>.
- 2. If you are seeking orders based on information from others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form WV-100). You may use form MC-031, *Attached Declaration*.
- 3. Fill in *Confidential Information for Law Enforcement* (form <u>CLETS-001</u>) 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 <u>WV-110</u> completely. The petition and the declarations must give the details of the recent acts of harassment, violence, or credible threats of violence and the problems they have caused.

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

WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

- 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 multiple copies: one for you, one for each person to be protected, and one to serve on the respondent. Each protected person will need a copy of the TRO if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form WV-109).
- 6. If you are seeking a TRO (form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.
- 7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

If the court issues a TRO, it will last until the hearing date.

- 8. If a person to be protected by the order does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, Request for Interpreter (Civil), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp. courts.ca.gov/request-interpreter.
- 9. Have the respondent personally served with copies of the Petition (form WV-100), the Notice of Court Hearing (form WV-109), the TRO (form WV-110) (if issued), a blank Response (form WV-120), and a blank Proof of Service of Response by Mail (form WV-250). You cannot serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, who is not involved in the case. For help with service, ask the court clerk for form WV-200-INFO, What Is "Proof of Personal Service"?

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally served, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

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How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, 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 he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

- 12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form <u>WV-260</u>, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form <u>WV-200</u>) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

	WV-10	9 1	lotice of Court Hearin	ng	Clerk stamps date here when form is filed.
1	Petitione Represe		yer or Collective Bargain	ing	DRAFT 2024-01-08 Not approved by the
	a. Name:				Judicial Council
	Lawyer	for Petition	er (if any for this case):		_
	Name:		State Ba	ar No.:	Fill in court name and street address:
	Firm Na	ame:			Superior Court of California, County of
	Address	s:	e a lawyer, give your lawyer's		
	City:		State:	Zip:	
	Telepho	one:	Fax:		Fill in case number:
	Email A	Address:			Case Number:
3	\	lent (Pers	on From Whom Protecti	on Is Sought)	
3 4	Respond Full Name:	lent (Pers	on From Whom Protecti	on Is Sought)	form.
3 4	Respond Full Name:	lent (Pers	on From Whom Protecti	on Is Sought) ete the rest of this	
3 4	Notice of A court he	Hearing earing is s	on From Whom Protecti The court will comple cheduled on the request for Time:	on Is Sought) ete the rest of this or restraining o	form. rders against the respondent: address of court if different from above:
3 4	Full Name: Notice of A court he	Hearing earing is s	on From Whom Protecti The court will comple cheduled on the request for	on Is Sought) ete the rest of this or restraining o	form. rders against the respondent:
To the street of	Notice of A court he person in tyou attend thus, the order tyou do not a	F Hearing F Hearing is s Date: Dept.: (3): The hearing (in will be effected the hearing (in will be effected).	on From Whom Protecti The court will comple cheduled on the request for time: Room: n person, by phone, or by vides tive immediately, and you cou	on Is Sought) tet the rest of this, or restraining o Name and a	form. Indexes against the respondent: Indexes of court if different from above: the judge grants a restraining order again ou violate the order. Ider that could last up to five years. After

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/WV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

	WV-109 Noti	ce of Court Hearing	Clerk stamps date here when form is filed.
	WVV-109 Noti		
1	Petitioner (Employer of Representative) a. Name:	or Collective Bargaining	DRAFT 2024-01-29 Not approved by the Judicial Council
	Lawyer for Petitioner (if	,	
	Name:	State Bar No.:	—— Fill in court name and street address:
	Firm Name:		Superior Court of California, County of
	b. Address (If you have a la	awyer, give your lawyer's information.):	
		State: Zip:	
		Fax:	
	Email Address:		Case Number
	Email Address:		Case Number:
2)			
2	Employee Who Petitic	oner Asserts Suffered Harassmen	t, Violence, or Threat of Violence
2	Employee Who Petitic		t, Violence, or Threat of Violence
2	Employee Who Petitic	oner Asserts Suffered Harassmen	t, Violence, or Threat of Violence
2 3	Employee Who Petitic Full Name: Respondent (Person I	oner Asserts Suffered Harassmen From Whom Protection Is Sought	t, Violence, or Threat of Violence
2 3	Employee Who Petitic Full Name: Respondent (Person I	oner Asserts Suffered Harassmen	t, Violence, or Threat of Violence
3	Employee Who Petitic Full Name: Respondent (Person I	oner Asserts Suffered Harassmen From Whom Protection Is Sought	t, Violence, or Threat of Violence
3	Employee Who Petitic Full Name: Respondent (Person I	oner Asserts Suffered Harassmen From Whom Protection Is Sought	t, Violence, or Threat of Violence
3	Employee Who Petitic Full Name: Respondent (Person I Full Name: Notice of Hearing	oner Asserts Suffered Harassmen From Whom Protection Is Sought	t, Violence, or Threat of Violence c) s form.
(2)(3)(4)	Employee Who Petitic Full Name: Respondent (Person I Full Name: Notice of Hearing	From Whom Protection Is Sought The court will complete the rest of this	t, Violence, or Threat of Violence c) s form.

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	a. Tempora	ry Restraining Orders (Any orders granted are on form WV-110, served with this notice.) ary Restraining Orders for personal conduct and stay-away orders as requested in form WV-100, for Workplace Violence Restraining Orders, are (check only one box below):
	•	All GRANTED until the court hearing.
	. ,	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.)
		s that Temporary Restraining Orders as requested in form WV-100, <i>Petition for Workplace Violence</i> ning Orders, for personal conduct or stay-away are denied are:
		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 o	of Documents by the Petitioner
	At least protected—	
	a. WV-100), Petition for Workplace Violence Restraining Orders (file-stamped)
		-110, Temporary Restraining Order (file-stamped) IF GRANTED
	c. WV-120), Response to Petition for Workplace Violence Restraining Orders (blank form)
	d. WV-120	O-INFO, How Can I Respond to a Petition for Workplace Violence Restraining Orders?
	e. Othe	er (specify):
Date	:	
		Judicial Officer

Case Number:	

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) and firearm parts 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 www.courts.ca.gov/forms for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

-Clerk's Certificate-

I	certify	that	this	Notice	of C	Court	Hea	rino	is a	true a	and	correct	conv	of 1	the	orio	rinal	on	file	in	the	court.

Clerk's Certificate [seal]

Date:	Clerk, by	, Deput
	_ = = = = = = = = = = = = = = = = = = =	

Employer or Collective				
ative)	e Bargaining			
				DRAFT 2024-01-29
Petitioner (if any, for this co	ase):		Not:	approved by the
	State Bar No.:	:		dicial Council
ess (If you have a lawyer, gi	ve your lawyer's	information.):	Fill in court name	a and attract address:
	State: 7:-			urt of California, Count
	*	:	'	,
	Fax:			
ress:				
Person or Persons			Court fills in cas	e number when form is filed
			oudo itambe	
protected persons are listed	at the end of this	Order on Attac	chment 2.	
at (Postrained Porson)				
nformation you know. Inform	nation with a star	(*) is required	to add this or	der to the California p
		*Age:	Date	of Birth:
Height:	Weight:			Eye Color:
M F Nonbinary	Home Address:			
	State:			
	e:	e: State: State: Zip: Fax: Fax: Fax: Fax: Heress: Height: Weight: Weight: Weight: Weight: Weight: Weight: Home Address:	ress (If you have a lawyer, give your lawyer's information.): State: Zip: Fax: Person or Persons I protected persons are listed at the end of this Order on Attacent (Restrained Person) Information you know. Information with a star (*) is required ge is unknown, give an estimate.) Height: *Age: *Age: Height: Hair M	ress (If you have a lawyer, give your lawyer's information.): State:

Case Number:	

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	Pe	ersonal 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
		 Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person. Commit acts of violence or make threats of violence against the person. Follow or stalk the person during work hours or to or from the place of work. 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. 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	St	ay-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) \square Each protected person listed in 2 \square 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.

7		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.		
		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. You must:		
		 Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order. File a receipt with the court within 48 hours of receiving this Order that proves that all your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use <i>Receipt for Firearms and Firearm Parts</i> (form WV-800) for the receipt.) 		
9	 d.			
		Additional orders are attached at the end of this Order on Attachment 9. To the Petitioner:		
_				
10	Ma	andatory Entry of Order Into CARPOS Through CLETS		
		is Order must be entered into the California Restraining and Protective Order System (CARPOS) through the lifornia Law Enforcement Telecommunications System (CLETS). <i>(Check one):</i>		
	a.	☐ The clerk will enter this Order and its proof-of-service form into CARPOS.		
	b.	☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.		
		This is a Court Order.		

	Case Number:
10	c. By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:
	Name of Law Enforcement Agency Address (City, State, Zip)
	Additional law enforcement agencies are listed at the end of this Order on Attachment 10.
11	No Fee to Serve (Notify) Restrained Person ☐ Ordered ☐ Not Ordered
_	The sheriff or marshal will serve this Order without charge because:
	a. The Order is based on a credible threat of violence or stalking.
	b. The petitioner is entitled to a fee waiver.
12	Number of pages attached to this Order, if any:
Date:	:

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) and firearm parts 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.

Case Number:

After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form WV-120-INFO, How Can I Respond to a Petition for Orders to Stop Workplace Violence?, to learn how to respond to this Order.
- If you want to respond, fill out form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

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

161

Case Number:

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 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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

(Clerk will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate
[seal]

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

Date: Clerk, by	, Deputy
-----------------	----------

WV-115

Request to Continue Court Hearing

Clerk stamps date here when form is filed.

DRAFT

2024-02-07

Instructions: Use this form to ask the court to reschedule the court date listed on, *Notice of Court Hearing* (form <u>WV-109</u>). Read *How to Ask for a New Hearing Date* (form <u>WV-115-INFO</u>) for more information.

Not approved by My Information the Judicial Council a. My name is: b. I am the: Fill in court name and street address: (1) Petitioner (employer or collective bargaining representative) Superior Court of California, County of (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 Fill in case number: you in this case. If you want to keep your home address private, Case Number: 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:

This is not a Court Order.

a. The other party in this case is (full name):

b. I have a court hearing currently scheduled for (date):



Information About My Case

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 <i>Temporary Restraining Order</i> (form WV-110) will remain in effect ntil the end of the new court date unless otherwise ordered by the court.				
4) '	Why does the court date need to be resched	uled?			
	a. I need more time to have the respondent personally				
1	b. I am the respondent, and this is my first request to	reschedule the court date.			
(c. Other reason:				
I decla	are under penalty of perjury under the laws of the State of	California that the information above is true and correct.			
Date:					
_					
Type o	or print your name	Sign your name			
Datas					
Date					
Lawye	er's name, if you have one	Lawyer's signature			
	This is not a C	ourt Order.			

Revised January 1, 2025

,	WV-116 Order on Request to Continue Hearing	Clerk stamps date here when form is filed.	
Com	plete items 1 and 2 only. Petitioner (Employer or Collective Bargaining Representative)	DRAFT 2024-01-09 Not approved by the Judicial Council	
2	Respondent:		
	The court will complete the rest of this form		
3	Next Court Date	Fill in court name and street address:	
	a. The request to reschedule the court date is denied . Your court date is:	Superior Court of California, County of	
	(1) Any <i>Temporary Restraining Order</i> (form <u>WV-110</u>) 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:	
	New Court Date: Time: Room:	dress of court, if different from above:	
(4)	Temporary Restraining Order		
	a. There is no <i>Temporary Restraining Order</i> (TRO) in this case until	the next court date because:	
	(1) \(\sum \) A TRO was not previously granted by the court.		
	(2) The court terminates (cancels) the previously granted TRO beca	iuse.	
	b. A Temporary Restraining Order (TRO) is still in full force and eff	fect. Warning and Notice	
	(1) The court extends the TRO previously granted on <i>(date)</i> It now expires on <i>(date)</i> :	to the Respondent: If (4) b is checked, a	
	(If no date is listed, the TRO expires at the end of the court date list	ted in 3b.) temporary restraining order has been issued	
	(2) The court changes the TRO previously granted and signs a new (form <u>WV-110</u>).	TRO against you. You must follow the orders until they expire.	
	c. Other (specify):		

This is a Court Order.



Judicial Council of California, www.courts.ca.gov
Revised January 1, 2025, Mandatory Form
Code of Civil Procedure, § 527.8(p)

a. There is good cause to resch(1) The petitioner has not s	edule the court date (check one):	
(2) Other:	erved the respondent.	
b. This is the first time that the	respondent has asked for more time to pre	pare.
c. The court reschedules the co	ourt date on its own motion.	
Serving (Giving) Order to C	ther 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 cour 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) \square Further notice is not required
(2) You must have the responde personally served with a cop of all the forms listed on form WV-109, item 6 , by (date):	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 serve the responde with a copy of this order. The can be done by mail. You must serve by (date):	can be done by mail. You must serve by	(3) Other:
(4) Other:	(4) Other:	
		-
		-

Revised January 1, 2025

		Case Number:
7	No Fee to Serve (Notify) Respondent	☐ Not Ordered e, or stalking.
8	☐ Other Orders	
Date:		Judicial Officer
	Request for Accommodations Assistive listening systems, computer-assisted real-time captioning are available if you ask at least five days before the hearing. Conta www.courts.ca.gov/forms.htm for Request for Accommodations by Response (form MC-410). (Civ. Code, § 54.8.)	act the clerk's office or go to
tł	Instructions to Clerk the hearing is rescheduled and the court extended, modified, or terminated a e court must enter this order into CLETS or send this order to law enforcement e done within one business day from the day the order is made.	
	—Clerk's Certificate—	

Order on Request to Continue

Clerk's Certificate

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

[seal] in the court.

Date:______, Deputy

WV-120

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. <u>January 1, 2025,</u> Mandatory Form

Code of Civil Procedure, §§ 527.8 and 527.9

Response to Petition for Workplace Violence Restraining Orders

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.)

1	Petitioner (Employer or Collective Bargaining Representative) Name:					Superior Court	of California, County of	
2	Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence Full Name:				sment,	Fill in case number: Case Number:		
3	Respondent (Person From Whom Protection Is Sought) a. Your Name:							
	Na	our Lawyer <i>(if you ha</i> ame: rm Name:	ve one for this case)					
	to la	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:					ng date, time, and place	
			State:	Zip:	Hearing	→Date:		
	Te		Fax:		Date	Dept.:	Room:	
	Er	nail Address:				ere served with		
4	I Diddiidi Goliddol Giddio			ning Order, you must obey it until the				
	a. I agree to the orders requested.			hearing. At the hearing, the court may make orders against you that last for up to three years.				
	b c	 b.						
5	□ S	Stay-Away Orders						
	a. I agree to the orders requested.							
	b	I do not agree to the	-				re 4.)	
	c	I agree to the follow	ing orders (specify b	elow or in item (12) on page	2 <mark>4</mark>):		

Clerk stamps date here when form is filed.

DRAFT

01/29/2024

Not approved by the Judicial Council

Fill in court name and street address:

Fill in case number:	Superio	r Court of	^f Califorr	nia, County o
	fill in case	number:		



			Case Number:
6	□ Pr	rotected Persons Not Listed in 2	
_	a. 🗌	I agree that the persons listed in item (4)of the Petition may be prote	cted by the order requested.
	b. 🗌	I do not agree that the persons listed in item 4 of the Petition may be	e protected by the order requested.
7	Firea	rms (Guns), Firearm Parts, and Ammunition	
	(guns) used a WV-1 firear with fo	were served with form WV-110, <i>Temporary Restraining Order</i> , you, firearm parts, or ammunition. This includes firearm receivers a s or easily turned into a receiver or frame (see Penal Code section 10.) You must sell to or store with a licensed gun dealer, or turn in (guns) and firearm parts in your immediate possession or contorm WV-110. You must file a receipt with the court. You may use form WV-800) for the receipt.	nd frames, and any item that may be a 16531). (See item 8 of form n to a law enforcement agency, any rol within 24 hours of being served
	a. 🗌	I do not own or control any firearms (guns), firearm parts, or ammun	ition.
	b. 🗌	I ask for an exemption from the firearms prohibition under Code of Carrying a firearm is a condition of my employment, and my employ position where a firearm is unnecessary. (Explain):	
		☐ Check here if there is not enough space below for your answer. F sheet of paper and write "Attachment 7b—Firearms Surrender E MC-025, Attachment.	*
	c. \square	I have turned in my firearms (guns) and firearm parts to the police or licensed gun dealer.	sold them to or stored them with a
		A copy of the receipt $\ \ \ \ \ \ \ \ \ \ \ \ \ $	with the court.
8	No B	ody Armor	
		were served with form WV-110, <i>Temporary Restraining Order</i> , you a ing body armor. You must also relinquish any body armor you have in	
	(Check	all that apply):	
		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 by a chief of police or sheriff. See Penal Code section 31360(c). (Atta- permission, if you have one.)	•

WV-120, Page 2 of 5

		Mary Oudens	
9		Other Orders	
		I agree to the orders requested.	
	b. Ц	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 (2) on page (4) :	
10	□ De	Denial	
	1 UI	did not do anything described in item (8) of form SV-100. (Skip to (12).)	
11)	□ Jι	lustification or Excuse	
	— If I did	id some or all of the things that the petitioner has accused me of, my action	as were justified or excused for the
		wing reasons (explain):	
	\Box Ch	theck here if there is not enough space below for your answer. Put your co	mplete answer on an attached sheet
		f paper and write "Attachment <mark>II</mark> —Justification or Excuse" as a title. You	

				e Number.
□ Pose	eons I Do Not A	aree to the Orders Po	nguested	
		gree to the Orders Re	-	
☐ Check	here if there is not	enough space below for you	ur answer. Put your com	plete answer on an attached s use form MC-025, Attachmen
☐ No F	ee for Filing			
	ask the court to wait free filing.	ve the filing fee because the	e petitioner claims in form	m WV-100 item (14) to be enti
	•	required to pay the filing fourt Fees, must be filed separate	•	for a fee waiver. (Form FW-0
	S			
☐ Cost				. 1
☐ Cost	ask the court to ord	er the petitioner to pay my	court costs. The amounts	requested are:
☐ Cost		er the petitioner to pay my		-
☐ Cost	ask the court to orde	Amount	<u>Item</u>	Amount
☐ Cost		Amount		Amount

costs.

Rev. January 1, 2025

	Case Number:
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 Cal correct.	ifornia that the information above is true and
Date:	
Type or print your name	Sign your name

DRAFT 2024-01-29 Not approved by the Judicial Council



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

What if I don't obey the order?

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

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.")

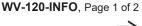
The person who serves the form by mail for you must fill out form <u>WV-250</u>, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

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.

Petitioner (Employer o Representative) a. Name:	r Collective Bargaining	DRAFT 2024-01-08 Not approved by the Judicial Council
Lawyer for Petitioner (if a	DATE OF SOME STATE OF	
	State Bar No.:	Fill in court name and street address:
Firm Name:		Superior Court of California, County
b. Address (If you have a lan	wyer, give your lawyer's information.):	
City:	State: Zip:	
Telephone:		
Telephone.		Fill in case number:
Email Address:		Case Number:
Full Name:		nt, Violence, or Threat of Violence
	rom/Whom Protection Is Sougl	_
		_
Respondent (Person F		nt) ————————————————————————————————————
Respondent (Person F	The court will complete the rest of to	his form. g orders against the respondent: ad address of court if different from above
Respondent (Person F Full Name: Notice of Hearing A court hearing is solved Hearing > Date:	The court will complete the rest of to the uled on the request for restraining. Name ar	his form. g orders against the respondent: ad address of court if different from above
Respondent (Person F Full Name: Notice of Hearing A court hearing is soled	The court will complete the rest of to the uled on the request for restraining. Name ar	his form. g orders against the respondent: ad address of court if different from above
Respondent (Person F Full Name: Notice of Hearing A court hearing is solved Hearing > Date:	The court will complete the rest of to the uled on the request for restraining. Name ar	his form. g orders against the respondent: ad address of court if different from above
Respondent (Person F Full Name: Notice of Hearing A court hearing is solved Hearing > Date:	The court will complete the rest of to the uled on the request for restraining. Name ar	his form. g orders against the respondent: ad address of court if different from above

Notice of Court Hearing







How Can I Respond to a Petition for Workplace Violence Restraining Orders?

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 <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter</u>.

What if I have a gun?

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

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

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

What if I have a disability?

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

Workplace Violence Restraining Order After Hearing

Clerk stamps date here when form	ıs	тиеа.
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DRAFT

Kepre	<mark>esentative</mark>)				r	1/29/2024
a. Nar	me:					7 17 4 37 4 U 4 4
	wyer for Petitioner (ij					approved by udicial Council
Firr						
	ur Address (If you ha	ve a lawyer, give you	r lawyer's info	′ <u>F</u>		and street address:
City	y:	State:	Zip:		Superior Cou	it of Camorina, Coun
Tele	lephone:					
	nail Address:					
Prote	ected Person or F	Persons			ourt fills in case	number when form is file
Full Na	ame:				Case Number	:
Full Na	ame:					
Full Na	ame:					
Full Na	ame:				ment ?	
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Full Na Ad Respo	ame: Iditional protected per Condent (Restrain all the information you ase. If age is unknown I Name:	rsons are listed at the ned Person) ou know. Information	end of this Ord	der on Attach	add this ord	of Birth:
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Full Na Add Responsible (Give a databa.) *Full *Race	ame: Iditional protected personnel (Restrair all the information yourse. If age is unknown left) Name: The information of th	rsons are listed at the ned Person) The know. Information of the give an estimate.) Height:	end of this Ord with a star (*) Weight: ne Address:	der on Attach	o add this ora Date Color:	of Birth: Eye Color:
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		Case Number	:
5 Hearing			
a. There was a hearing on (date):	at (time):	in Dept.:	Room:
(Name of judicial officer):			
b. These people were at the hearing:			
(1) \square The petitioner (name).			
(2) \square The lawyer for the petitioner	(name):		
(3) \square The respondent (4) \square The	lawyer for the responder	nt (name):	
☐ Additional persons present are listed	at the end of this Order	on Attachment 5b.	
c. The hearing is continued. The parties	s must return to court on	(date):	at <i>(time)</i> :
The court has granted the orders check arrested and charged with a crime. You \$1,000, or both.	_	not obey these or	
6 Personal Conduct Orders			
a. You are ordered not to do the following	things to the protected p	erson or persons liste	d in (2)
(1) Harass, molest, strike, assault (so disturb the peace of the person.	exually or otherwise), ba	tter, abuse, destroy po	ersonal property of, or
(2) Commit acts of violence or make		_	
(3) Follow or stalk the person during		*	
(4) Contact the person, either directl telephone, in writing, by public or by other electronic means.		•	
(5) Enter the person's workplace.			
(6) Take any action to obtain the per found good cause not to make the		ns. If this item is not	checked, the court has
(7) Other (specify):		1 - £41-:- Ouden en A44-	-1
☐ Other personal conduct order	is are attached at the end	of this Order on Atta	ichinent oa(7).
b. Peaceful written contact through a lawye to a court case is allowed and does not ve		other person for servi	ce of legal papers related
ТН	nis is a Court Order	1	
lanuary 1, 2025			W/V 420 Dame 0 of

WV-130, Page 2 of 6

		ay-Away Orders
	a.	You must stay at least yards away from <i>(check all that apply)</i> :
		(1) Each protected person listed in (2) 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	N	o 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) and firearm parts 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) and firearm parts have been turned in, sold, or stored. (You may use <i>Receipt for Firearms and Firearm Parts</i> (form WV-800) for the receipt.)
	d.	☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
	e.	☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ③ is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):
		The firearm must be in the physical possession of the person in 3 only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in 3 may be subject to federal prosecution for possessing or controlling a firearm.

					Case Number:		
9)	No	Body Armor					
	Yo	u cannot own, possess, or bu	• •	Penal Code section	16288). You n	must relinquish any	body
10)		Costs					
		You must pay the following	amounts for costs to the p	etitioner:			
		<u>Item</u>	Amount	<u>Item</u>	-	<u>Amount</u>	
			\$			\$	_
			\$			\$	_
			\$			\$	_
		Additional amounts are	attached at the end of this	Order on Attachme	ent 10.		
11)		Other Orders (specify):					
		oution Gradio (speedy).					
			1 1 4 1 1 6 1 1 0	1 44 1	11		_
		Additional orders are att	ached at the end of this On	rder on Attachment	11.		
			To the Done	i 🗘 .			
			To the Perso	on in (1):			
12)	Ma	andatory Entry of Orde	er Into CARPOS Thro	ugh CLETS			
	Thi	is Order must be entered into	the California Restraining	g and Protective Or	der System (C.	ARPOS) through th	e
		lifornia Law Enforcement Te			•	, 5	
	a.	☐ The clerk will enter this	Order and its proof-of-ser	vice form into CAR	RPOS.		
	b.	☐ The clerk will transmit to into CARPOS.	his Order and its proof-of-	service form to a la	w enforcemen	t agency to be enter	ed
	c.	☐ By the close of business deliver a copy of the Ord into CARPOS:	on the date that this Order der and its proof-of-service			•	
		Name of Law Enforce	ement Agency	Ado	dress (City, Sta	te, Zip)	
		Additional law enfor	cement agencies are listed	at the and of this C	order on Attach	ment 12	
		Additional law cillor	comoni agencies are fisted	at the chu of this C	ruci on Allaci	micht 12.	
			This is a Coເ	ırt Order.			

WV-130, Page 4 of 6

13	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 WV-110, <i>Temporary Restraining Order</i> , 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 Order on the respondent.						
14	No Fee to Serve (Notify) Restrained Person						
	The sheriff or marshal will serve this Order without charge because:						
	a. The Order is based on a credible threat of violence or stalking.						
	b. The petitioner is entitled to a fee waiver.						
15	Number of pages attached to this Order, if any:						
Date	:						
	Juniciui Officei						

Warning and Notice to the Respondent:

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) and firearm parts that you have or control as stated in **8** above. The court will require you to prove that you did so.

Case Number:		

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 12), 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 (5) 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 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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

Clerk'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.						
D	ate:	Clerk, by	, Deputy			
This is a Court Order.						

WV-130, Page 6 of 6

Clerk stamps date here when form is filed. WV-200 **Proof of Personal Service** Petitioner (Employer or Collective Bargaining Representative) DRAFT 2024-01-09 **Employee Who Suffered Harassment, Violence, or Threat** Not approved by the **Judicial Council** Name: **Respondent (Person From Whom Protection Is Sought)** Fill in court name and street address: **Notice to Server** Superior Court of California, County of 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. Court fills in case number when form is filed. PROOF OF PERSONAL SERVICE Case Number: 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 and Firearm Parts (blank form) i. Other (specify): **6**) I personally gave copies of the documents checked above to the respondent

c. At this address:		Zip:
Server's Information		
Name:	Telephone:	
Address:		
City:	State:	Zip:
(If you are a registered process server):		
County of registration:	Registratio	n number:

a. On (date): b. At (time): a.m. p.m.

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 Response by Mail

Clerk stamps date here when form is filed.

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.
- 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
 below to the petitioner or the petitioner's lawyer.
- Complete and sign this form and give it to the respondent.

DRAFT

01/09/2024

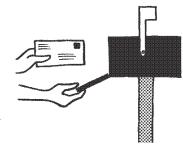
Not approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



PROOF OF SERVICE BY M	A	IL
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	THOUSE OF CERTIFICE DE III	_	
,	and not a party to this proceeding. I live of led the petitioner or the petitioner's lawyer		he county where
a. Form WV-120, Response	e to Petition for Workplace Violence Restr	aining Order (comp	oleted)
1 0.1 (•		ŕ
) I placed copies of the docum	ents listed above in a sealed envelope and	l mailed them as des	cribed below:
a. Mailed to (name):			
b. To this address:			
			Zip:
c. On (date):	Mailed from: City:		State:
Server's Information			
		Telephone:	
			Zip:
(If you are a registered proc			
County of registration:	Registr	ration number:	
	rjury under the laws of the State of Califo		
Date:			

Server to sign here

Type or print server's name

Proof of Service of Order After Hearing by Mail

You may serve form WV-130, Workplace Violence Restraining Order After Hearing, on the respondent by mail if the respondent was not at the hearing and:

- Before the hearing, the respondent was personally served with form WV-110, Temporary Restraining Order, and proof of service of form WV-110 was presented to the court at the hearing; and
- The judges orders in form WV-130 are the same as in form WV-110 except for the expiration date.

		i ili ili court ile	ame and street address:
Petitioner (Employer or Concept	ollective Bargaining	Superior C	ourt of California, County
•			
	larassment, Violence, or Threa		
of Violence	,,		
Name:		Fill in case nu	
Respondent (Restrained F	Person)	Case Num	ber:
Name:			
	PROOF OF SERVICE BY MAII	_ _	
	live or am employed in the county when person listed in item (4) of form WV-13		
a. Form WV-130, Workplace Vi	olence Restraining Order After Hearing	7	
b. ☐ Other (specify):			
	above in a sealed envelope and mailed t		
City:		e:	Zip:
	State		
c. On (date):			
c. On <i>(date)</i> : Server's Information	StateMailed from: City:		State:
c. On (date): Server's Information Name:	StateMailed from: City:	Telephone: _	State:
c. On (date): Server's Information Name: Address:	StateMailed from: City:	Telephone: _	State:
c. On (date): Server's Information Name: Address:	StateMailed from: City:	Telephone: _	State:
c. On (date): Server's Information Name: Address: City: (If you are a registered process see	StateMailed from: City:	Telephone: State:	State:
c. On (date): Server's Information Name: Address: City: (If you are a registered process so County of registration:	Mailed from: City:erver):	Telephone: State: on number: _	State:
c. On (date): Server's Information Name: Address: City: (If you are a registered process so County of registration: I declare under penalty of perjury	Mailed from: City:	Telephone: State: on number: _	State:

Type or print server's name

Clerk stamps date here when form is filed.

DRAFT

2024-01-09

Not approved by the

Judicial Council

Server to sign here

WV-700 Request to Renew Restraining Order	Clerk stamps below when form is filed.
Petitioner (Employer or Collective Bargaining)	DRAFT
Representative)	01/09/2024
a. Name:	Not approved by
Lawyer for Petitioner (if any for this case):	Not approved by the Judicial Council
Name: State Bar No.:	_
Firm Name:	
b. Address (If you have a lawyer, give your lawyer's information.):	Court name and street address:
Address:	Superior Court of California, County of
City: State: Zip:	
Telephone: Fax:	
Email Address:	_
Employee Who Suffered Harassment, Violence, or Threa	Fill in case number:
of Violence	Case Number:
Full Name:	
Address (if known):City:	
Request to Renew Restraining Order	
I ask the court to renew the Workplace Violence Restraining Order After order is attached.	Hearing (form WV-130). A copy of the
a. The order ends on (date):	
b. This is my first request to renew the order.	
☐ The order has been renewedtimes.	
c. I want the order to be renewed for three years other (spe	ecify):
d. I ask the court to renew the order because (explain below):	
clare under penalty of perjury under the laws of the State of California that correct.	the information above is true
e:	
e or print your name Sign your name	е

This is not a Court Order.

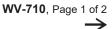
Notice of Hearing to Renew Restraining Order	Clerk stamps below when form is filed
Petitioner (Employer or Collective Bargaining Representative)	DRAFT
a. Name:	2024-01-09
Lawyer for Petitioner (if any for this case):	
Name: State Bar No.:	Not approved by the Judicial Council
Firm Name:	
b. Address (If you have a lawyer, give your lawyer's informatio	n.): Court name and street address:
Address:	Superior Court of California, County
City: State: Zip:	
Telephone: Fax No.:	
Email Address:	_
Employee Who Petitioner Asserts Suffered Haras	sment,
Violence, or Threat of Violence	Fill in case number:
Full Name:	Case Number:
Respondent (Restrained Person)	
Full Name:	
Address (if known):	
City:	
To the Respondent 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	w.
· ·	and address of court if different from above:
Hearing → Date: Time:	
At the hearing, the judge can renew the current restraining order	for up to another three years. You <i>must</i> conting, you can tell the judge if you do not want the

This is a Court Order.

Response to Request to Renew Restraining Order. File the original with the court before the hearing and have

before the hearing. Also file form WV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

someone age 18 or older—not you—mail a copy of it to the petitioner at the address in (1) at least



Case Number:	

To the Petitioner:

5	Service	and Re	sponse
	C	1.0	1.1

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

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

After the respondent has been served, file form WV-200, *Proof of Personal Service*, with the court clerk. For help with service, read form WV-200-INFO, *What Is "Proof of Personal Service"*?

Deter		
Date:		
	Judicial Officer	

Request for Accommodations

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

This is a Court Order.

Request to Reschedule Hearing to Renew Restraining Order

Instructions: Either party may use this form to ask the court to reschedule the hearing (court date) listed on form <u>WV-710</u>, *Notice of Hearing to Renew Restraining Order*. Note: If the hearing is rescheduled, the restraining order will be extended until the new court hearing.

	Clerk stamps date here when form is filed.
Fill	in court name and street address:

1 My Information

a.	My name is:	

Superior Court of California, County of

b.	I am	the	(check	one):
o.	I ulli	tiie	Chech	onej.

(1)	☐ Petitioner (employer	or collective bargaining representative
	(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.

Fill in case number:	
Case Number:	

Address:			
City:	State:	Zip:	
Additional contact in	formation (optional)		

Telephone: _____ Fax: _____ Fax: _____

Lawyer's information (skip if you do not have one)

Name: _____ State Bar No.: _____ Firm Name:

2 Information About Your Case

- a. The other party in this case is (full name):
- b. The court date is currently scheduled for *(date)*:

This is not a Court Order.

Why does your court date need to be resci	heduled?
a. I need more time to have the restrained party se	rved.
b. Other reason:	
	e State of California that the information above is true and
correct.	
Date:	L
Type or print your name	Sign your name
5 Lawyer's signature (if you have one)	
Date:	
Lawver's name	Lawver's signature

Case Number:

Your Next Steps

- Complete form <u>WV-716</u>, *Order to Reschedule Hearing to Renew Restraining Order* (only items 1) and 2).
- File forms <u>WV-715</u> and <u>WV-716</u> 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 <u>WV-716</u>, 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 <u>selfhelp.courts.ca.gov/WV-restraining-order/renew/sheriff-serves</u>.
- If the judge denies your request to reschedule, you must go to your court hearing (listed on form WV-710).

\	WV-716 Order to Reschedule Hearing to Renew Restraining Order	Clerk stamps date here when form is filed.
(Com	aplete 1 and 2 only. The court will complete the rest of this form.)	
1	Petitioner (Employer or Collective Bargaining Representative):	
2	Restrained Party:	Fill in court name and street address:
		Superior Court of California, County of
3	Next Court Date	
	a. Denied: The request to reschedule the court date is denied.	
	Your court date is:	Fill in case number:
	(form <u>WV-130</u>) granted in this case stays in full force and effective until your court date. (2) Your court date is not rescheduled because:	ct
	b. Granted: The request to reschedule the court date is granted. Ye time listed below. The current restraining order stays in effect us expiration date, whichever is later. See 4-7 for more information.	ntil the hearing date below or the original
		address of court, if different from above:
	New Court Dent : Time:	
	Dept.: Room:	
	Warning and Notice to the Restraine You must obey the restraining order while i	

This is a Court Order.

a. The petitioner has not set b. Other reason:		
Serving (Giving) Order to The request to reschedule was n	nade by the:	
 a. Petitioner (1) You do not have to serve restrained party because t or their lawyer were at the court date or agreed to reschedule the court date. 	hey petitioner because they or their lawyer were at the court date or agreed to reschedule the	c. Court (1) Further notice is not required
(2) \(\sum \) You must have the restrain party personally served we copy of all the forms lister form \(\frac{WV-710}{} \), item \(\frac{\end{5}}{} \), \(\frac{date}{} \):	ned (2) \(\subseteq \) You must have the petitioner personally served with a copy of this order by	(2) The court will mail a copy o this order to all parties by (date):
(3) You must have the restrain party served with a copy of this order. This can be do mail. You must serve by (date):	served with a copy of this order. This can be done by mail. You must serve by	(3) Other:
(4) Other:	(4) \(\sum \) Other:	-

Case Number:

Rev. January 1, 2025

				Case Number:	
6	No Fee to Serve (I	Notify) Restrained Person	☐ Ordered	☐ Not Ordered	
	The sheriff or marshal	will serve this order for free beca	use:		
	a. The order is bas	sed on unlawful violence, a credib	le threat of violenc	e, or stalking.	
	b. The person in (1) is entitled to a fee waiver.			
7	☐ Other Orders				
)ate:					
		_		Judicial Officer	
	Assistive list are available	or Accommodations tening systems, computer-assisted if you ask at least five days befor ca.gov/forms.htm for Disability A	re the hearing. Cont	tact the clerk's office or go t	o
		Instruction ne court date, the court must enter CLETS. This must be done within	this order into CLI		
		—Clerk's Ce	rtificate—		
	lerk's Certificate	I certify that this <i>Order to Resch</i> WV-716) is a true and correct co	_		rm
L	·~u1]	Data	Clark by		Domite
		Date:	легк, бу:	:	, Deputy

This is a Court Order.

Response to Request to Renew Restraining Order

Clerk stamps date here when form is filed.

Use this form to respond to the Request to Renew Restraining Order (form WV-700)

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

1	Petitioner (Emplo	oyer	or Collective	Bargaining
	Petitioner (Emplo Representative)			

Name:

Employee Who Petitioner Asserts Suffered Harassment,

Violence, or Threat of Violence

Name:

Para and a display the first and Para and

Name:	State Bar No.:			
Firm Name:				
Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):				
your street address priv	ate; skip this if you have a lawyer):			
your street address privated Address:	ate; skip this if you have a lawyer):			
•	ate; skip this if you have a lawyer): State: Zip:			
Address:				

4 Response

d. 🗌

a. Your Name:

- a.

 I agree to extend the order.
- b. \square I do not agree to extend the order.
- c. \square I agree to the following order instead (specify below):

40	e—Order Requested" for a title. You may use form MC-025, Attachment.
I ask	the court not to renew the order for the following reasons (specify below):
	heck here if there is not enough space for your answer. Put your complete answer on the attached eet of paper or form MC-025 and write "Attachment 4d—Reasons Not to Renew," for a title.

☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment

DRAFT

01/29/2024

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:

The court will consider your *Response* at the hearing. Write your hearing date, time, and place from form WV-710 item (4) here.

ſ	Hearing	
	Date	

→ Date: _____

T	ir	ne	2:
т	٠		٠.
1	1r	ne	2:

Room:

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

	Case Number:
Date:	
Lawyer's name, if you have one	Lawyer's signature
I declare under penalty of perjury under the law correct.	s of the State of California that the information above is true and
Date:	
Type or print your name	Sign your name

WV-730 Order Renewing Workplace Violence	Clerk stamps date here when form is filed.
Restraining Order	
Petitioner (Employer or Collective Bargaining Representative)	DRAFT
a. Name:	2024-01-22
Lawyer for Petitioner (if any for this case):	Not approved by
Name: State Bar No.:	the Judicial Council
Firm Name:	
b. Address (If you have a lawyer, give your lawyer's information.):	
Address:	Fill in court name and street address:
City: State: Zip:	Superior Court of California, County of
Telephone: Fax:	
Email Address:	_
Employee Who Suffered Harassment, Violence, or Threa	t
of Violence	Court fills in case number when form is filed.
Full Name:	Case Number:
Respondent (Restrained Person)	
Full Name:	
Address (if known):	
City:	State: Zip:
) Hearing	
There was a hearing on (date): at (time): a.i	m. \square p.m. Dept.: Room:
(Name of judicial officer):	
These people were at the hearing:	
a. ☐ The petitioner c. ☐ The lawyer for the petitioner (name	2).
b. The respondent The lawyer for the respondent (name) The lawyer for the respondent (name)	· -
Additional persons present are listed on Attachment 4.	
Renewal and Expiration	
The request to renew the attached <i>Workplace Violence Restraining Order (date)</i> , is:	r After Hearing, originally issued on
a. GRANTED. The attached order is renewed and will now expire or	on:
Time: a.m p.m. or midnight	on (date):
If no expiration date is written here, the order expires three years f	from the date of the hearing in item (4)
b. DENIED. The attached order expires as stated in item (5) of the o	rder.
Date:	
Judicial Officer	
This is a Court Order	

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, § 527.8(k) Approved by DOJ