

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT ITC W22-01

Title

Protective Orders: Civil Harassment Form
Revisions and Rule Amendment

Action Requested

Review and submit comments by January 21,
2022

Proposed Rules, Forms, Standards, or Statutes

Amend Cal. Rules of Court, rule 3.1160;
adopt forms CH-117 and CH-210; approve
form CH-205-INFO; revise forms CH-116,
CH-200, CH-200-INFO, and CH-250;
revoke form CH-260.

Proposed Effective Date

September 1, 2022

Contact

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Proposed by

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

Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends amending rule 3.1160 of the California Rules of Court, the adoption, approval, and revision of seven forms, and the revocation of one form to implement statutory changes in Assembly Bill 1143 (Stats. 2021, ch. 27). The statutory amendment permits courts to allow an alternative method of service for civil harassment restraining order petitions, temporary restraining orders, and notices of hearing upon a showing that the petitioner has been unable to accomplish personal service after a diligent effort, and that there is reason to believe the respondent is evading service or cannot be located. The proposal incorporates this potential alternative service and the required showing into the council's forms and the rules of court, and makes other minor changes to civil harassment forms.

Background

In August 2021 the Legislature passed, and the Governor signed Assembly Bill 1143 (Stats. 2021, ch. 27). Prior to the passage of AB 1143, a person seeking a restraining order for civil harassment was required to personally serve the respondent with a copy of the petition, the temporary restraining order if one had been issued, and the notice of hearing of the petition. The new law permits a court to specify another method of service, besides personal service, for those items if "the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is

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 It is circulated for comment purposes only.

evading service or cannot be located.” (Code Civ. Proc., § 527.6(m).)¹ If the court makes such a determination, then it may “specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.” (*Ibid.*) AB 1143 did not change the service requirements for restraining orders issued after a hearing. (See § 527.6(q).) The new law will go into effect January 1, 2022.

In 2018, the Legislature made similar, but not identical, changes to the law regarding domestic violence restraining orders in Assembly Bill 2694 (Stats. 2018, ch. 219). To implement the legislative changes to the Family Code, the council adopted two new forms, approved a new information sheet, and revised three existing forms.² Where possible, the proposed civil harassment forms replicate the revisions and additions previously made to the domestic violence forms.

The Proposal

This proposal recommends the adoption, approval, revision, and revocation of certain civil harassment forms and the amendment of rule 3.1160. The changes are urgently needed for the forms and rule to conform to the provisions of AB 1143. The proposed forms are:

- Revised *Order on Request to Continue Hearing* (form CH-116);
- New *Order Granting Alternative Service* (form CH-117);
- Revised *Proof of Personal Service* (form CH-200);
- Revised *What is “Proof of Personal Service”?* (form CH-200-INFO);
- New *What if the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO);
- New *Summons (Civil Harassment Restraining Order)* (form CH-210);
- Revised *Proof of Service by Mail* (form CH-250); and
- Revoked *Proof of Service of Order After Hearing by Mail* (CH-260).

Descriptions of the amended rule and proposed new, revised, and revoked forms are provided below.

Amended rule 3.1160

Current rule 3.1160 contains provisions related to procedures to request and respond to requests for protective orders in different situations, including for civil harassment, workplace violence, school violence, and elder abuse. Subdivision (c) of current rule 3.1160 requires that the “request for a protective order, notice of hearing, and any temporary restraining order [] be personally served on the respondent at least five days before the hearing.” The passage of AB 1143 means

¹ All statutory citations are to the Code of Civil Procedure unless otherwise stated.

² See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases* (Sept. 3, 2019); Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Revisions to Continuance Forms* (Sept. 6, 2019).

that on January 1, 2022, the requirements in subdivision (c) will conflict with the statutory provisions governing civil harassment restraining orders.

Accordingly, this proposal amends subdivision (c) by splitting it into two paragraphs. Proposed amended paragraph (1) remains the same except the existing language will be preceded by “Except as provided in (2).” Proposed new paragraph (2) summarizes the amended provisions of section 527.6(m) by stating that the “court may specify another method of service for a request for a civil harassment protective order” if the court makes the required determinations. Expanding the description of the service requirements in rule 3.1160 to include AB 1143’s amendments preserves the council’s previous determination to include protective order service requirements in rule 3.1160 and will help litigants and attorneys follow the required procedures.

Civil harassment forms

Revised Order on Request to Continue Hearing (form CH-116)

Form CH-116 is used by the courts to continue hearings for civil harassment restraining orders. In item 6 of the current form, the court may require the requesting party to serve a copy of completed form CH-116 (the order to continue hearing) to the party to be restrained. Due to the legislative changes in AB 1143, an order to continue the hearing may now include an order for the petitioner to serve the respondent through alternative means. Accordingly, item 6 on proposed revised form CH-116 includes an option for the court to provide that “The court gives you permission to serve the restrained party as listed on the attached form CH-117.”

New Order Granting Alternative Service (form CH-117)

This proposal contains a new form for courts to allow service of preliminary civil harassment restraining order papers by an alternative method, as authorized by the new law. Amended section 527.6(m) specifies that the required findings to support alternative service must be made “at the hearing.” Therefore, an order for alternative service will be issued with an order setting a new hearing date. Accordingly, the top of proposed form CH-117 requires that the court identify the order to which form CH-117 is attached.

Items 1(a) and 1(b) provide the deadline to serve the respondent and specify the papers that must be served. In item 1(c) the court specifies the alternative method of service that the petitioner must use to serve the respondent. The court may check “substituted service” for either the respondent’s home or workplace (both of which are methods of service provided in section 415.20) or “publish in a newspaper” (which is a method of service provided in section 415.50). Alternatively, the court can order another method of alternative service by checking “other” and writing in the method. Item 1(d) allows the court to specify how the petition shall provide proof of service, which the court is expressly authorized to do in amended section 527.6(m). Finally, item 2 lists the requisite findings that the court must have made to support the order under section 527.6(m).

Revised What is “Proof of Personal Service”? (form CH-200-INFO)

To comply with AB 1143, the information sheet, *What is “Proof of Personal Service”?*, needs to be revised to include alternative service as an option. Proposed form CH-200-INFO contains information about alternative service at the end of the form under a new item titled, “What if the other party is avoiding (evading) service or cannot be located?” The new item explains the circumstances where the petitioner may be allowed to use an alternative method of service and how to request it. The proposed form also contains numerous modifications to improve usability modeled after recent changes to form DV-200-INFO, including presenting the information in the form in columns, removing graphics, using plain language, reorganizing content into the steps a petitioner must take to accomplish service, and incorporating information about possible safety issues.

New What if the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located? (form CH-205-INFO)

Proposed new information sheet *What if the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO) provides a petitioner who is having trouble personally serving the respondent with the following information:

- Why serving the respondent is important;
- The type of service required for a restraining order issued after a hearing;
- What to do if the respondent cannot be served, including the requisite showing that must be made for a court to order alternative service;
- Specific explanations of how to perform substituted service and service by publication;
- Why electronic service is likely not appropriate; and
- Where to find legal help.

New Summons (Civil Harassment Restraining Order) (form CH-210)

One possible alternative method of service that the court may order is publication of the petitioner’s court papers. Such court papers typically include a six-page petition, a three-page notice of hearing, and a six-page temporary restraining order. In light of the burden that would be placed on the petitioner (who will be charged to publish based on the length of the text), a brief “summons,” which the court could order the petitioner to publish in lieu of other court papers, has also been included in this proposal. The summons is in both English and Spanish and is limited to two pages, but contains all the following important information for the respondent:

- The name of the person requesting the restraining order (the petitioner);
- Information on what may happen if the respondent does not go to the hearing;
- Where to obtain the restraining order petition;
- Where to get help; and
- Where and when to appear for the court hearing.

Revised Proof of Service by Mail (form CH-250) and related forms

Current form CH-250 is a proof of service by mail and is limited to use by respondents to demonstrate that they appropriately served their response to a request for a civil harassment

restraining order. Existing law provides that if the terms of a restraining order are identical to the terms of a temporary restraining order (except the duration) and the respondent was personally served with notice of hearing on the restraining order, then the restraining order can be served on the respondent via first class mail. (§ 527.6(q)(2).) Current form CH-260 is used to prove service by mail of the later restraining order. Now with the passage of AB 1143, the petition, temporary restraining order, and notice of hearing are additional items that may be appropriately served by mail if the court so orders. Accordingly, this proposal modifies form CH-250 so that it can be used as a proof of service by mail for any civil harassment form that may be served that way. Specifically, the modifications are:

- Changing the title of the form CH-250 to eliminate “of Response”;³
- Adding a check box in front of item 4(a) (service of form CH-120);
- Adding form CH-130 as a check box in item 4(b); and
- Eliminating certain superfluous information from item 3.⁴

Given these proposed revisions, form CH-260 becomes unnecessary. Thus, this proposal includes the revocation of that form.

The final revision included in this proposal is adding “CH-250, *Proof of Service by Mail* (blank form)” to the list of forms that may be identified as having been served in item 4 of form CH-200, *Proof of Personal Service*. Item 6 in the current *Notice of Court Hearing* (form CH-109) instructs the petitioner to serve a blank form CH-250 on the respondent, among other documents, and suggests using form CH-200 to prove personal service was performed. However, the current form CH-200 does not allow the petitioner to check form CH-250 as a form that was served; this revision will address that.

Alternatives Considered

Because AB 1143 will go into effect January 1, 2022, and enacts changes to law that are not currently reflected in rule 3.1160 and several forms, the committee determined that taking no action would be inappropriate, because such a course would result in forms and rules not in compliance with law.

As an alternative to the rule amendment in this proposal, the committee considered deleting subdivision (c) of rule 3.1160 without providing anything further, to make rule 3.1160 consistent with section 527.6(m). The committee ultimately decided, however, that including and updating the service requirements in rule 3.1160 is preferable. Inclusion of those requirements adheres to the council’s previous determination that restating the statutory requirements in the rule would

³ Modifying the name of form CH-250 requires minor technical changes to forms that mention CH-250. Any final recommendation to the council will include revising each instance of “form CH-250, *Proof of Service of Response by Mail*” to “form CH-250, *Proof of Service by Mail*” in any Civil Harassment forms that include that phrase.

⁴ Current item 3 states that the server must live or be employed in the county where the mailing took place; however, the law on who may serve papers does not contain such a limitation. (§ 414.10 “A summons may be served by any person who is at least 18 years of age and not a party to the action.”) Additionally, current item 3 also instructs the server to complete and sign the form and give it to the person in item 2, which is unnecessary.

be beneficial, and will likely help litigants and attorneys be aware of and comply with those requirements.

With regard to the types of alternative service listed on form CH-117 and explained on form CH-205-INFO, the committee considered two other possibilities.

- First, the committee considered including posting papers at the courthouse as an alternative method of service on the forms. However, because posting papers is not explicitly authorized by the Code of Civil Procedure, the committee concluded that it would not be appropriate to include.
- Second, the committee considered *not* including publication as an alternative method of service on either form. While publication is explicitly authorized by section 415.50, it may not comply with the amended requirements of section 527.6(m) that the alternative service allowed must be “reasonably calculated to give actual notice to the respondent.” However, given that the Code of Civil Procedure expressly provides for service in such a manner, the committee decided to include it as a suggested alternative. Moreover, inclusion of service by publication on the forms does not prevent the court from ordering a method of alternative service that is more likely to give actual notice in a particular case.

Fiscal and Operational Impacts

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the new and revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks and judicial officers to process requests for alternative service. Additionally, the new and revised information sheets in the proposal may result in cost savings by providing self-help centers and court staff with tools to assist self-represented litigants.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rule 3.1160, at page 8
2. Forms CH-116, CH-117, CH-200, CH-200-INFO, CH-205-INFO, CH-210, CH-250, and CH-260, at pages 9–21
3. Link A: AB 1143,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1143

Rule 3.1160 of the California Rules of Court would be amended, effective September 1, 2022, to read:

1 **Rule 3.1160. Requests for protective orders to prevent civil harassment, workplace**
2 **violence, private postsecondary school violence, and elder or dependent adult**
3 **abuse**

4
5 **(a)–(b) * * ***
6

7 **(c) Service of requests, notices, and orders**
8

9 (1) Except as provided in (2), the request for a protective order, notice of
10 hearing, and any temporary restraining order, must be personally served on
11 the respondent at least five days before the hearing, unless the court for good
12 cause orders a shorter time. Service must be made in the manner provided by
13 law for personal service of summons in civil actions.
14

15 (2) The court may specify another method of service for a request for a civil
16 harassment protective order brought under Code of Civil Procedure section
17 527.6 if the court determines that the petitioner has been unable to
18 accomplish personal service, and that there is reason to believe that the
19 respondent is evading service or cannot be located.
20

21 **(d)–(e) * * ***
22

Clerk stamps date here when form is filed.

DRAFT

10/06/2021

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Complete items ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

_____ **The court will complete the rest of this form** _____

③ **Next Court Date**

a. The request to reschedule the court date is **denied**.

Your court date is: _____

(1) Any *Temporary Restraining Order* (form CH-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New Court Date → Date: _____ Time: _____
Dept.: _____ Room: _____

④ **Temporary Restraining Order**

a. There is no *Temporary Restraining Order* (TRO) in this case until the next court date because:.

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because: _____

b. A *Temporary Restraining Order* (TRO) is still in full force and effect because:

(1) The court extends the TRO previously granted on (date): _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) The court changes the TRO previously granted and signs a new TRO (form CH-110).

c. Other (specify): _____

Warning and Notice to the Restrained Party:

If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 Reason Court Date Is Rescheduled

- a. There is good cause to reschedule the court date (*check one*):
 - (1) The protected party has not served the restrained party.
 - (2) Other: _____

- b. This is the first time that the restrained party has asked for more time to prepare.
- c. The court reschedules the court date on its own motion.

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

- | | | |
|--|--|--|
| <p>a. <input type="checkbox"/> Protected party</p> <p>(1) <input type="checkbox"/> You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item 6, by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> The court gives you permission to serve the restrained party as listed on the attached form CH-117.</p> <p>(5) <input type="checkbox"/> Other: _____

 _____</p> | <p>b. <input type="checkbox"/> Restrained party</p> <p>(1) <input type="checkbox"/> You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.</p> <p>(2) <input type="checkbox"/> You must have the protected party personally served with a copy of this order by (date): _____</p> <p>(3) <input type="checkbox"/> You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____</p> <p>(4) <input type="checkbox"/> Other: _____

 _____</p> | <p>c. <input type="checkbox"/> Court</p> <p>(1) <input type="checkbox"/> Further notice is not required.</p> <p>(2) <input type="checkbox"/> The court will mail a copy of this order to all parties by (date): _____</p> <p>(3) <input type="checkbox"/> Other: _____

 _____</p> |
|--|--|--|

This is a Court Order.



7 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

The sheriff or marshal will serve this order for free because:

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

8 **Other Orders**

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.htm for *Request for Accommodations by Persons With Disabilities and Response* ([form MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.
[seal]

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

This form is attached to (check one): CH-116 Other order setting new hearing date

1 Serving the Restrained Party

Protected party: You must have the restrained party served by following the orders below.

(a) Deadline: You must serve the restrained party by (date): _____

(b) Papers to Serve (check all that apply):

- (1) A copy of this order, including form CH-116 or other order setting new hearing date
(2) Form CH-210
(3) All the documents indicated on form CH-109, item 6
(4) Other:

(c) How to Serve Papers

(1) Substituted Service

- (A) Home: You must have your server (1) leave a copy of all the papers listed in 1b at the restrained party's home or usual mailing address with an adult that lives there, and (2) mail a copy to the restrained party to the same address.
(B) Workplace: You must have your server (1) leave a copy of all the papers listed in 1b at the restrained party's workplace or usual mailing address with someone who seems to be in charge, and (2) mail a copy to the restrained party at the same workplace.

(2) Publish in a newspaper

- (A) You must have form CH-210 published at least once a week for 4 weeks in a row with the newspaper listed here: _____
(B) If you find an address for the restrained party while form CH-210 is published in the newspaper, you must have someone mail all the papers listed in 1b to that address.

(3) Other: _____

For more information on alternative service, read form CH-205-INFO, What if the Person I Want Protection from is Avoiding (Evading) Service?

(d) How to Provide Proof of Service

- (1) Fill out form POS-010
(2) Fill out form CH-250
(3) Other: _____

2 Findings That Support This Order

- (a) The protected person has made diligent efforts to have the restrained party personally served but has been unsuccessful.
(b) There is reason to believe that the restrained party is avoiding (evading) service or cannot be located.

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT

11/03/2021

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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Person Seeking Protection

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

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



PROOF OF PERSONAL SERVICE

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

- a. CH-109, *Notice of Court Hearing*
- b. CH-110, *Temporary Restraining Order*
- c. CH-100, *Request for Civil Harassment Restraining Orders*
- d. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. CH-130, *Civil Harassment Restraining Order After Hearing*
- g. CH-250, *Proof of Service by Mail* (blank form)
- h. CH-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- i. Other (*specify*): _____

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

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

6 Server's Information

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

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served to the other party by personal service:

- ▶ [Form CH-109](#);
- ▶ [Form CH-100](#);
- ▶ [Form CH-110](#);
- ▶ [Form CH-120](#) (leave this form blank);
- ▶ [Form CH-120-INFO](#); and
- ▶ [Form CH-250](#) (leave this form blank).

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See [form CH-200](#) for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out [form CH-200](#) completely and sign.
- 5 File [form CH-200](#) with the court or give [form CH-200](#) to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign [form CH-200](#). **The person you want restrained does not sign anything.**

File [form CH-200](#) with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides [form CH-200](#). Make sure a copy is filed with the court and that you get a copy.



When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on [form CH-109](#). Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**

- **Step 2: Look at the number of days written in ⑥ on page 2.**

- **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file [form CH-115](#) and [form CH-116](#). These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with [form CH-115](#), [form CH-116](#), and the original papers you filed. You should keep a copy of [form CH-115](#), [form CH-116](#), and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form [CH-115-INFO](#).

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the the restrained person, and you can show the judge that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form [CH-205-INFO](#), *What if the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?*, for more information.

Why do I have to serve the restrained person?

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. In most cases, the judge will require that you have someone personally deliver the papers to the person you want restrained. This is called personal service. See [form CH-200-INFO](#) for more information.

What if I already have a civil harassment restraining order?

If a judge granted you a civil harassment restraining order on [form CH-130](#), alternative service is not an option for you. Follow the orders for service on [form CH-130](#). It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the judge ordered in your case, see page 2 for where to get legal help.

What if I can't personally serve the restrained person?

When you cannot personally serve the restrained person with a copy of form CH-100 and related papers, a judge may allow you to give, or serve, the restraining order papers another way. This is called alternative service. The judge could order you to have your server give the restrained person your court papers in more than one way.

If you want to request alternative service, at your court date tell the judge details about your attempts to have the restrained person served. To qualify for alternative service, you must show the judge at least two things.

1 You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- ▶ Serve the restrained person at home, their workplace, or somewhere they go a lot.
- ▶ Search online for where they may be located.
- ▶ Check with their family and friends.



Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, which they will do for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence

2 You believe the restrained person is avoiding (evading) personal service or cannot be located.

Be ready to explain why you think the restrained person is avoiding service or cannot be located. If you have people who will help you prove this to a judge, bring them to your court hearing or have them write a statement that describes what they witnessed. [Form MC-030](#) may be used for this purpose.

Alternative service may involve other people having access to your court papers.

This will mean they can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to an advocate about your safety and privacy concerns before you consider this request.



What is substituted service?

The judge may order you to perform substituted service at the restrained person's home or workplace, or, if no physical address is known, the restrained person's usual mailing address (other than a post office box; a private mailbox with a commercial business may be okay). Substituted service requires your server to follow these steps:

1. Give the papers to someone 18 years or older who lives at the restrained person's home or usual mailing address (that is not a P.O. box), or who appears to be in charge at the restrained person's workplace. If the only address reasonably known for the restrained person is a private mailbox with a commercial mail receiving agency, give the papers to someone 18 years or older who appears to be in charge.
2. Get the name of the adult who got the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person.
3. Mail the papers to the restrained person's home, workplace, or usual mailing address. (This step is not required if the papers were given to a person in charge of the commercial mail receiving agency where the restrained person has a private mailbox.)
4. Follow the instructions for completing and filing a proof of service as ordered in item 1(d) on [form CH-117](#).

What is service by publication?

The judge may also order you to serve the restrained person by publication. This means that you would have to pay a newspaper to publish a copy of whatever papers the judge orders you to have published at least once a week, for at least four weeks in a row. The judge would approve a newspaper that would have the best chances of the restrained person seeing it. Follow the orders made by the judge, which will usually be found on [form CH-117](#).

After the newspaper publishes your court papers, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and when it was published. This statement is usually called "Proof of Publication." After you receive this statement, file it with the court in your case.

May I serve by email or electronically?

To serve someone electronically, like by email or text message, the person you are serving has to agree to being served electronically or the judge has to order electronic service. If the person is avoiding service, it is unlikely that they will agree to being served electronically. If the judge orders you to serve the restrained person electronically, follow all the instructions of the judge, which will usually be found on [form CH-117](#), including any orders to also provide additional forms of service, such as substituted service or publication.

Where can I find legal help?

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to www.courts.ca.gov/selfhelp.

If ordered by a judge to use this form, complete items ① and ② only.
Si un juez le ha ordenado llenar este formulario, llene solo los puntos ① y ②.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT

11/4/2021

NOT APPROVED BY
JUDICIAL COUNCIL

Superior Court of California, County of
Corte Superior de California, Condado de

Case Number:
Número de caso:

① **Person asking for protection:**
La persona que solicita protección:

② **Notice to (name of person to be restrained):**
Aviso a (nombre de la persona a ser restringida):

The person in ① is asking for a Civil Harassment Restraining Order against you.

La persona en ① está pidiendo una orden de restricción por acoso civil contra usted. Lea la página 2 para más información.

— The court will complete the rest of this form —
— El tribunal llenará el resto de este formulario —

③ **You have a court date**
Tiene una audiencia en la corte

Date Fecha: _____ Name and address of court, if different from above:
Time Hora: _____ Nombre y dirección de la corte, si no es la misma de arriba:
Dept. Depto.: _____
Room Sala: _____

What if I don't go to my court date?

If you do not go to your court date, the judge can grant a restraining order that limits your contact with the person in ①. Having a restraining order against you may impact your life in other ways, including preventing you from having guns and ammunition. If you do not go to your court date, the judge could grant everything that the person in ① asked the judge to order.

¿Qué pasa si no voy a la audiencia?

Si no va a la audiencia, el juez puede dictar una orden de restricción que limita su contacto con la persona en ①. Una orden de restricción en su contra puede tener otras consecuencias, como prohibirle tener armas de fuego y municiones. Si no va a la audiencia, el juez puede ordenar todo lo que pide la persona en ①.



How do I find out what the person in ① is asking for?

To find out what the person in ① is asking the judge to order, go to the courthouse listed at the top of page 1. Ask the court clerk to let you see your case file. You will need to give the court clerk your case number, which is listed above and on page 1. The request for restraining order will be on form CH-100, *Request for Civil Harassment Restraining Order*.

¿Cómo puedo entender lo que pide la persona en ①?

Para entender lo que pide la persona en ①, vaya al tribunal en la dirección indicada en la parte superior de la página 1. Pida al secretario de la corte permiso para ver el expediente de su caso. Tendrá que darle al secretario el número de su caso, que aparece arriba y en la página 1. La solicitud de una orden de restricción se hace en el formulario CH-100, *Solicitud de órdenes de restricción por acoso civil*.

Where can I get help?

Free legal information is available at your local court’s self-help center. Go to www.courts.ca.gov/selfhelp to find your local center.

¿Dónde puedo obtener ayuda?

Puede obtener información legal gratis en el centro de ayuda de su corte. Vea www.courts.ca.gov/selfhelp-selfhelpcenters.htm?rdeLocaleAttr=es para encontrar el centro de ayuda en su condado.

Do I need a lawyer?

You are not required to have a lawyer, but you may want legal advice before your court hearing. For help finding a lawyer, you can visit www.lawhelpca.org or contact your local bar association.

¿Necesito un abogado?

No es obligatorio tener un abogado, pero es posible que quiera consejos legales antes de la audiencia en la corte. Para ayuda a encontrar un abogado, visite www.lawhelpca.org/es/homepage o contacte al Colegio de Abogados local.

[seal]
[sello]

Date (Fecha): _____ Clerk, by (Secretario, por): _____
Deputy (Asistente)

Clerk stamps date here when form is filed.

DRAFT

10/13/2021

NOT APPROVED BY
JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items **1**, **2** or **3** of form CH-100, *Request for Civil Harassment Restraining Orders*.
- Mail a copy of all documents checked in **4** to the person in **5**.

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in **5:**

- a. CH-120, *Response to Request for Civil Harassment Restraining Order*
- b. CH-130, *Civil Harassment Restraining Order After Hearing*
- c. Other (*specify*): _____

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

- a. **Name of person served:** _____
- b. **To this address:** _____
City: _____ State: _____ Zip: _____
- c. **Mailed on (date):** _____
- d. **Mailed from (city):** _____ (*state*): _____

6 Server's Information

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

If you are a registered process server:

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Proof of Service of Order After Hearing by Mail

Clerk stamps date here when form is filed.

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

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

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

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

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

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

5 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

 Type or print server's name

▶ _____
 Server to sign here