

**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 retail crime restraining order?**

It is a court order that prohibits an individual from going to a specific business or locations of a business chain or franchise, based on prior crimes committed or alleged to have been committed by the individual.

A retail crime restraining order may be issued in a criminal or civil case. These instructions address retail theft restraining orders in the civil context only.

### **Can I get a retail crime restraining order?**

A retail business can ask for a retail crime restraining order if somebody has been arrested two or more times for shoplifting, theft, vandalism, or assault or battery of a business employee with the same retail establishment and the person who was arrested is likely to return to the business. A prosecuting attorney, a city attorney, county counsel, or a lawyer representing the business must file the petition for a retail crime restraining order.

### **How will the order help me?**

The court can order a person not to enter or be on the grounds of a business.

In a retail theft case, the court cannot:

- Order a person to pay money that they owe you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance

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

### **Do I need a lawyer?**

Yes. Only lawyers may ask for retail crime restraining orders.

### **What forms do I need to get the order?**

Your lawyer must fill out all of form [RT-100](#), *Petition for Retail Crime Restraining Order* and form [CLETS-001](#), *Confidential Information for Law Enforcement*. If they need attachments, they may use form [MC-025](#). They must also fill out items 1, 2, and 3 on form [RT-109](#), *Notice of Court Hearing*.

### **Where can I get these forms?**

Your lawyer can get the forms from legal publishers or from the California Courts website at

. Your lawyer also may be able to find them at your local courthouse or county law library.

### **What do I need to get the order?**

Your lawyer must go to the superior court in the county where the business is located or where the person to be restrained lives. At the court, your lawyer should ask where to file a request for a retail crime restraining order.

After your lawyer files a request with the court clerk, the clerk will give your lawyer a hearing date on the *Notice of Court Hearing* form.

### **How long does the order last?**

A retail crime restraining order could last up to two years.

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

Someone age 18 or older, who is not involved in this case, must serve (give) the person to be restrained a copy of the order. The server should then fill out form [POS-020](#), *Proof of Personal Service—Civil*, and give it to your lawyer to file with the court.

### **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?**

Your lawyer must go to court on the date provided by the clerk.

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

Witnesses are not required, but it helps to have more proof of the arrests and the likelihood of the person returning than just your word. The court may or may not let witnesses speak at the hearing. So, if possible, your lawyer should bring their statements under oath to the hearing. (Your lawyer can use form [MC-030](#), *Declaration*, for this.)

**What happens after the hearing?**

If the court grants the restraining order, the judicial officer may ask your lawyer to fill out form [RT-130](#), *Retail Crime Restraining Order*, and return it to the court.

**What if I have a disability?**

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

**What if I don't speak English?**

When you file your papers, have your lawyer ask the clerk if a court interpreter is available. Your lawyer 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

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

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

**For help in your area, contact:**

*[Local information may be inserted.]*