



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 28, 2011

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Title	Agenda Item Type
Juvenile Law: Restraining Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend California Rules of Court, rule 5.630; revise Judicial Council forms JV-205, JV- 245, JV-250, and JV-510; revise and renumber form DV-810; adopt forms JV-247 and JV-255; and revoke form JV-248.	January 1, 2012
	Date of Report
	October 5, 2011
	Contact
Recommended by	Kerry Doyle, 415-865-8791
Family and Juvenile Law Advisory Committee	<a href="mailto:kerry.doyle@jud.ca.gov">kerry.doyle@jud.ca.gov</a>
Hon. Kimberly J. Nystrom-Geist, Cochair	
Hon. Dean Stout, Cochair	

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending rule 5.360 of the California Rules of Court and amending and adopting forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would harmonize and coordinate the juvenile forms with proposed revisions to the Domestic Violence Prevention Act (DV), Civil Harassment (CH), Elder Abuse (EA), Private Postsecondary School Violence (SV), and Workplace Violence (WV) forms.<sup>1</sup> The recommended changes would also implement Assembly Bill 1596 (Stats. 2010, ch. 572), which amends, effective January 1, 2012, Welfare and Institutions Code section 213.5.

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<sup>1</sup> The proposed revisions to the DV forms are recommended in a separate report from the Family and Juvenile Law Advisory Committee. The proposed revisions to the CH, EA, SV and WV forms are found in a separate report from the Civil and Small Claims Advisory Committee.

## Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2012:

1. Amend rule 5.630 to conform to the changes in Welfare and Institutions Code section 213.5<sup>2</sup>; delete duplicative statutory language; include the definition of abuse from the Domestic Violence Prevention Act, Family Code section 6203; allow applications for temporary restraining orders without notice of the request; and require that *Proof of Firearms Turned In or Sold* (form JV-252) and *What Do I Do With My Gun or Firearm?* (form JV-253) be served with any restraining order that requires service; and allow the court to modify restraining orders;
2. Revise *Request for Restraining Order—Juvenile* (form JV-245) to conform to the changes in section 213.5 and to renumber the items to more closely reflect the order of items on other protective order forms and to more clearly ask for information regarding whether a criminal protective order is in effect;
3. Revise *Visitation Order—Juvenile* (form JV-205) to allow its use with *Restraining Order—Juvenile* (form JV-250) and *Change to Restraining Order After Hearing* (form JV-255);
4. Revise *Restraining Order—Juvenile* (form JV-250) to conform to the changes in section 213.5; to make the order easier for law enforcement personnel to read and enforce; and to more closely mirror the order of items on other protective order forms;
5. Revise *Proof of Service—Juvenile* (form JV-510) so that it can be used for restraining orders and reissued restraining orders;
6. Revise and renumber *What Do I Do With My Gun or Firearm* (form DV-810) to allow its use in juvenile court proceedings;
7. Adopt *CLETS Information Sheet* (form CLETS-001) to provide a universal form for use in all protective order proceedings and revoke *Confidential CLETS Information* (form JV-248);
8. Adopt *Answer to Request for Restraining Order* (form JV-247) to provide respondents with an instrument for informing the court of their position on the orders requested; and
9. Adopt *Change to Restraining Order After Hearing* (form JV-255) to create a simple form to record a modified order.

The text of the amended rule is attached at pages 10–14.

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<sup>2</sup> All further statutory references are to the Welfare and Institutions Code, unless otherwise noted.

The new and revised forms are attached at pages 15–30.

### **Previous Council Action**

The *Restraining Order—Juvenile* (form JV-250) was created and first effective in 1990, in response to the addition of section 213.5 to the Welfare and Institutions Code. The form has been modified numerous times since then to conform it to various statutory changes. This is the first time the form has been looked at and restructured in its entirety, in an attempt to align it with the other protective order forms.

Rule 5.630 (formerly rule 1429.5) concerning juvenile protective orders was adopted effective January 1, 2000. It is based on section 213.5

In 2009, the Judicial Council sponsored Assembly Bill 1596 to address and conform statutory differences regarding protective orders relating to civil harassment, private postsecondary school violence, workplace violence, elder and dependent adult abuse, juvenile law, and domestic violence.<sup>3</sup> That bill was enacted and signed by the Governor in 2010.<sup>4</sup> It will become effective on January 1, 2012.

### **Rationale for Recommendation**

In addition to the legislation mentioned above, the Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee considered proposed revisions to the format and substance of the DV, CH, EA, SV, WV, and juvenile protective order forms with the goal of eliminating unnecessary differences and promoting consistency where possible.<sup>5</sup>

This proposal seeks to implement the changes to the California Rules of Court and Judicial Council forms necessitated by AB 1596, as well as changes recommended by the Family and Juvenile Law Advisory Committee to promote consistency among the various protective order forms.

### **Rule 5.630**

AB 1596 made several changes to Welfare and Institutions Code section 213.5, effective January 1, 2012. Rather than amending rule 5.630 to conform to the changes in section 213.5, the committee recommends deleting all items in the rule that duplicate section 213.5. The portions of

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<sup>3</sup> In 2007, the Judicial Council’s Rules and Projects Committee requested formation of the Protective Orders Working Group (POWG) to bring together members of the Family and Juvenile Law, Civil and Small Claims, Criminal Law, and Probate and Mental Health Advisory Committees, as well as the Domestic Violence Practice and Procedure Task Force, to jointly address issues relating to the protective order forms. More specifically, the POWG considered challenges presented by inconsistencies among the current protective order forms and identified statutory impediments to uniformity among the forms.

<sup>4</sup>The text of AB 1596, as chaptered, may be viewed at [www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_1551-1600/ab\\_1596\\_bill\\_20100930\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1551-1600/ab_1596_bill_20100930_chaptered.pdf). The bill is described in detail in the separate report on protective orders from the Civil and Small Claims Advisory Committee.

<sup>5</sup> The proposal was developed with the assistance of the POWG.

the rule that are not contained in section 213.5 would remain. The rule would be more concise, be easier to use, and remain consistent with section 213.5 if the statute were to be amended again.

The committee recommends various amendments to rule 5.630 as recommended by the POWG and the committee. These amendments are discussed below.

***Definition of abuse.*** Section 213.5 does not define abuse. The 2012 amendments to the section will clarify that a person can apply for a restraining order in the juvenile court in the manner provided by Family Code section 6300. That section states that “[a]n order may be issued ... to restrain any person ... if an affidavit ... provided to the court, shows, to the satisfaction of the court, reasonable proof of a past act or acts of abuse.” In order for the juvenile court to determine if there is sufficient proof of abuse, there must be a definition of abuse for the court to apply. Rule 5.630 would be amended to include the definition of abuse in the Domestic Violence Prevention Act (Fam. Code § 6203). Since the 2012 amendments will allow a person to apply for a restraining order under Family Code section 6300, it is logical that the definition of abuse in that division of the code also apply.

***Notice of temporary restraining orders.*** Currently, rule 5.630(f) requires notice of a temporary restraining order (TRO) under rule 3.1204. That rule requires notice to be given, or a declaration stating why notice does not need to be given, and requires the person seeking the order to attempt to determine whether the opposing party will appear to oppose the application. The committee recommends removing the reference to rule 3.1204 and adding a statement in subdivision (d) that the application may be submitted “without notice,” so that applications for temporary restraining orders can be made without notice. Allowing temporary restraining orders to be issued without notice in the juvenile court mirrors the requirements for protective orders issued under the Domestic Violence Prevention Act, and provides safety to restraining order applicants.

***Service of restraining orders.*** Family Code section 6389 prohibits a person subject to a restraining order from owning and possessing firearms. The court must order the restrained person to relinquish any firearms. The committee recommends amending rule 5.630 to require that *Proof of Firearms Turned In or Sold* (form JV-252) and *What Do I Do With My Gun or Firearm?* (form JV-253) be served with any restraining order that requires service. In this way, the restrained person will receive the important information about how to relinquish firearms and provide proof to the court of this relinquishment. The rule would provide, however, that the failure to serve form JV-252 or JV-253 does not make the service of the restraining order invalid.

***Modification of restraining orders.*** Currently, there is no form that can be used to modify restraining orders. These orders are often modified in juvenile court cases, such as when a parent is successfully engaging in services and the court wants to modify visitation, or when a ward is successfully following conditions of probation. Rule 5.630 would be amended to allow the court to modify restraining orders on its own motion or under Welfare and Institutions code section

388 and rule 5.560.<sup>6</sup> A new form, *Change to Restraining Order After Hearing* (form JV-255) would provide a simple way to record the modified order. This form would include directions regarding transmitting the data in the order to law enforcement.

### **Judicial Council forms**

Various revisions to the Judicial Council forms would be made to conform to the changes to section 213.5 and the recommendations of the POWG. The revisions to the forms necessary to conform to the changes in section 213.5 include allowing court-appointed special advocates (CASAs), social workers, and probation officers to use the request form to obtain a protective order for themselves; increasing the time interval the matter must return to court for an order to show cause why an *ex parte* temporary order should not be granted; amending the list of personal conduct orders; and adding information regarding the transmittal of data in the order to law enforcement.

**Confidential CLETS Information (form CLETS-001).** The committee recommends creating a single form with a universal designator for use in all types of protective order proceedings. The Administrative Office of the Courts (AOC) is able to include a universal form number in the form groups pertaining to each type of restraining order located on the California Courts website so that it is easily found.

**Application and Affidavit for Restraining Order (form JV-245).** The committee recommends revising *Application and Affidavit for Restraining Order* (form JV-245) to conform to the changes in section 213.5 by deleting the words “self, parent, legal guardian, current caregiver,” which appear after “Relationship to child” in what is currently item 3, to allow the use of the form by social workers, probation officers, and CASAs.

Additional recommended revisions include renaming the form *Request for Restraining Order—Juvenile* and; renumbering the items (1) so that the protected persons and person to be restrained appear at the top of the first page, (2) to more closely reflect the order of items on other protective order forms, and (3) to more clearly ask for information regarding whether a criminal protective order is in effect.

**Answer to Request for Restraining Order—Juvenile (form JV-247).** The committee recommends creating a new form, *Answer to Request for Restraining Order—Juvenile* (form JV-247). Currently, there is no answer form to respond to a request for a restraining order. The POWG recommended creation of an optional answer form for use in juvenile restraining order hearings. The form would be particularly helpful for nonparties who are not represented in the juvenile court proceedings.

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<sup>6</sup> Section 388 and Rule 5.560 provide the standards and procedures for any person having an interest in the child to petition the juvenile court to change, modify, or set aside any order of the court.

**Restraining Order—Juvenile (form JV-250).** *Restraining Order—Juvenile* (form JV-250) would be revised to conform to the changes in section 213.5 by amending the list of personal conduct orders with additional behaviors<sup>7</sup> and adding an item regarding the transmittal of the data in the order to law enforcement.<sup>8</sup>

The revisions would also clarify the different types of orders that can be made against children who are wards of the court and adults, based on a strict interpretation of section 213.5(b).

Additional revisions to the form include moving items identifying the protected persons, restrained person, and expiration date to page one of the form, making the order easier for law enforcement personnel to read and enforce; and renumbering items to more closely mirror the order of items on other protective order forms.

**How Do I Turn In My Gun or Firearm? (form DV-800-INFO/JV-252-INFO).** *How Do I Turn In My Gun or Firearm?* (form DV-810) would be revised by renumbering it as DV-800-INFO and adding an additional number, JV-252-INFO. This form is currently used in DVPA cases to explain to the restrained person what a firearm is and how they can surrender or sell their firearms. Since this is an information sheet, the committee recommends renumbering it as DV-800-INFO. Adding a JV number to this information sheet would allow its use in juvenile court proceedings as well.

**Change to Restraining Order After Hearing (form JV-255).** The committee recommends adopting a new form, *Change to Restraining Order After Hearing* (form JV-255) to provide a tool for courts to modify or terminate restraining orders after hearing.

**Proof of Service (form JV-510).** The committee recommends revising *Proof of Service* (form JV-510) by adding space for the hearing date of the document served. This will allow its use for restraining orders, reissuances of restraining orders, and requests to change restraining orders. This form was not circulated for public comment. The addition of a space for a hearing date, however, is not controversial. Additionally, a commentator on a different proposal stated that the addition of a space for the hearing date of the document served is necessary for use of this proof of service form for notices of hearings in dependency proceedings.

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<sup>7</sup> AB 1596 amends the behaviors the court can enjoin, to be consistent with the behaviors listed in Family Code section 6320.

<sup>8</sup> The amendments to section 213.5 provide an updated process to submit the information on the forms to law enforcement. AB 1596 removed the requirement that copies of the orders be given to each local law enforcement agency and replaced it with the modern transmittal process—the data on the protective order must be transmitted by the court or its designee to law enforcement personnel, either by transmitting a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS) or by entering the order into CLETS directly. Because entry into the CLETS system is a crucial step for law enforcement to be able to know the contents of the order, this proposal would add item 11 to *Restraining Order—Juvenile* (form JV-250) to allow the court to order entry into the CLETS system consistent with the new requirements in 213.5.

## **Comments**

This proposal was circulated for comment as part of the spring 2011 invitation-to-comment cycle from April 21 to June 30. It was distributed to appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, county counsel, district attorneys, parents' and children's attorneys, social workers, and probation officers—the committee also sought comment from the Joint Rules Working Group of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and the Department of Justice. A chart summarizing all the comments received and the committee's responses is attached at pages 31–36.

The committee received comments from a total of nine commentators. Three commentators agreed with the proposal. Six commentators agreed with the proposal if modified and suggested both technical and substantive changes. No commentators disagreed.

The invitation to comment sought specific comments in two areas. The first was whether there should be one universal CLETS Information form or six separate forms that are identical except for the form number. Four of the commentators commented on this and all agreed that one universal CLETS Information form should be created. They commented that if a petitioner forgot to fill out this form, the use of a universal form would make it easier for the clerk to supply the form upon filing and that for courts that create form packets, one universal form would require less maintenance for courts.

The second specific comment area sought was whether listing only the behaviors enjoined in section 213.5(b)(3) under one item specifically for restrained children while listing orders such as stay-away and move-out orders under one item specifically for restrained adults is the most useful way to structure the restraining order form. Three commentators commented on this structure, with two commentators agreeing. One commented that the form was clear and effective; another commented that the form was clearer since the order language is not the same for juveniles and adults. One commentator from a large non-profit that represents children commented that the form should include stay-away orders for restrained children also, as there are circumstances where it is appropriate and necessary for the court to order that a juvenile stay away from a particular location or person. The committee recommends that the form be revised as circulated for comment. The proposed item tracks the language of section 213.5(b). If the court wants to make additional orders, such as stay away orders, they can be included in item 10 on the form, "Other orders."

## **Alternatives Considered and Policy Implications**

### **Option 1: Do nothing**

The committee considered not revising rule 5.630 and the juvenile restraining order forms. This, however, would have made the rule and forms inconsistent with current statutory requirements.

### **Option 2: Only make changes necessitated by change in statute**

The committee considered revising rule 5.630 and the relevant forms to only make the changes required by AB 1596. This alternative, however, would have left the juvenile restraining order forms difficult to read by law enforcement because the current version of the form does not have the identities of the protected and restrained persons on the first page of the form. Additionally, arranging the form so that it is more consistent with the other types of protective orders is a benefit to the courts. Consistency between the various protective order forms is helpful to large courts when judicial assignments change, since the judicial officer may be familiar with one set of forms and then move to another assignment that uses a different set of forms. It is also helpful to the small courts where one judicial officer presides over different protective order hearings.

### **Option 3: Use the existing DV forms in juvenile proceedings**

The committee considered revoking all the juvenile restraining order forms and circulating at the next cycle a rule requiring the use of the existing DV forms in juvenile proceedings. This option was not feasible for numerous reasons including that the people who can be protected are different; the people present at the hearing are different; and there are at least eleven orders on the DV forms that the court cannot make under section 213.5. Additionally using the DV forms would increase court workload due to the large number and length of the forms.

### **Option 4: Make changes necessitated by statute and to promote consistency**

As the committee is proposing, another option is to revise rule 5.630 and to amend and create forms that would both implement the new requirements of AB 1596, and make the juvenile restraining order forms more consistent with the other protective order forms. This will make the juvenile restraining order forms easier for law enforcement to read and enforce. Consistency will also benefit both large and small courts as discussed above.

## **Implementation Requirements, Costs, and Operational Impacts**

In courts that do not currently hear requests for restraining orders from social workers, CASAs, and probation officers, the amendments to section 213.5 that allow them to petition for restraining orders in juvenile court will increase the workload of juvenile court judicial officers to an extent to be determined. This additional work stems from the statutory change, not the rule or forms.

Implementation of the revised forms will incur standard reproduction costs.

## **Relevant Strategic Plan Goals and Operational Plan Objectives**

Because this proposal recommends revisions to multiple juvenile forms to increase consistency with other types of protective order forms to improve practice and procedure, it supports the policy of promoting innovative and effective practices for processing cases as described in Goal III, Modernization of Management and Administration (Policies B1 and B2.)



## **Attachments**

1. Cal. Rules of Court, rule 5.630, at pages 10–14.
2. Forms DV-800-INFO/JV-252-INFO, JV-205, JV-245, JV-247, JV-248, JV-250, JV-255, and JV-510, at pages 15–30.
3. Chart of Comments, at pages 31–36
4. Attachment A: Relevant portions of AB 1596, at pages 37–39.

Rule 5.630 of the California Rules of Court Rule is amended, effective January 1, 2012, to read:

1 **Title 5. Family and Juvenile Rules**

2  
3 **Division 2. Rules Applicable in Family and Juvenile Proceedings**

4  
5 **Chapter 8. Restraining Orders, Custody Orders, and Guardianships General Court**  
6 **Authority**

7  
8 **Rule 5.630. Restraining orders**

9  
10 **(a) Court's authority (~~§ 213.5~~)**

11 \*\*\*

12  
13  
14 **(b) Application for restraining orders (~~§§ 213.5, 304~~)**

15  
16 (1) Application for restraining orders may be made orally at any scheduled  
17 hearing regarding the child who is the subject of a petition under section 300,  
18 601, or 602, or may be made by written application, or may be made on the  
19 court's own motion.

20  
21 (2) The written application must be submitted on *Application and Affidavit*  
22 *Request for Restraining Order—Juvenile* (form JV-245).

23  
24 (3) A person requesting a restraining order in writing must submit to the court  
25 with the request a completed *Confidential CLETS Information Form* (form  
26 CLETS-001) under rule 1.51.

27  
28 **(c) Definition of abuse**

29  
30 The definition of abuse in Family Code section 6203 applies to restraining orders  
31 issued under Welfare and Institutions Code section 213.5.

32  
33 **(~~e~~) ~~Protected children~~ (~~§ 213.5(a) and (b)~~)**

34  
35 ~~Restraining orders may be issued to protect any of the following children:~~

36  
37 ~~(1) A child who is the subject of the dependency petition or who is declared a~~  
38 ~~dependent;~~

39  
40 ~~(2) Another child in the household of the child named in (1); and~~

41  
42 ~~(3) A child who is the subject of a delinquency petition or who is declared a ward.~~

1  
2 ~~(d) — Other protected persons (§ 213.5(a))~~

3  
4 The court may also issue orders protecting any parent, legal guardian, or current  
5 caregiver of the child listed in (c)(1), whether or not that child resides with that  
6 parent, legal guardian, or current caregiver.

7  
8 ~~(e) — Available orders and restrained persons (§ 213.5(a), (b), and (d)–(f))~~

9  
10 The court may issue, either ex parte or after notice and hearing, restraining orders  
11 that:

12  
13 ~~(1) — Enjoin any person from molesting, attacking, striking, sexually assaulting,~~  
14 ~~stalking, or battering any of the persons listed in (c) or (d);~~

15  
16 ~~(2) — Exclude any person from the dwelling of the person who has care, custody,~~  
17 ~~and control of the child named in (c)(1) or (3). This order may be issued for~~  
18 ~~the time and on the conditions that the court determines, regardless of which~~  
19 ~~party holds legal or equitable title or is the lessee of the residence or dwelling,~~  
20 ~~on a showing that:~~

21  
22 ~~(A) — The party who will stay in the dwelling has a right under color of law to~~  
23 ~~possession of the premises;~~

24  
25 ~~(B) — The party to be excluded has assaulted or threatened to assault the other~~  
26 ~~party or any other person under the care, custody, and control of the~~  
27 ~~other party, or any minor child of the parties or of the other party; and~~

28  
29 ~~(C) — Physical or emotional harm would otherwise result to the other party, to~~  
30 ~~any person under the care, custody, and control of the other party, or to~~  
31 ~~any minor child of the parties or of the other party;~~

32  
33 ~~(3) — Enjoin any person from behavior, including contacting, threatening, or~~  
34 ~~disturbing the peace of the persons named in (c) or (d), as necessary to~~  
35 ~~effectuate orders under (e)(1) or (2); and~~

36  
37 ~~(4) — Enjoin any delinquent child or any child for whom a section 601 or 602~~  
38 ~~petition has been filed from contacting, threatening, stalking, or disturbing the~~  
39 ~~peace of any person:~~

40  
41 ~~(A) — Whom the court finds to be at risk from the conduct of the child; or~~

42  
43 ~~(B) — With whom association would be detrimental to the child.~~

1  
2 **(f)(d) Ex parte Applications—procedure (§ 213.5(a)–(e) and (f))**  
3

4 The application may be submitted ex parte without notice, and the court may grant  
5 the petition and issue a temporary order. ~~The matter may be heard simultaneously~~  
6 ~~with any scheduled hearing regarding the child who is the subject of the section~~  
7 ~~300, 601, or 602 petition. Notice of the ex parte proceeding is required as stated~~  
8 ~~under rule 3.1204.~~

- 9  
10 (1) In determining whether or not to issue the temporary restraining order ex parte  
11 without notice, the court must consider all documents submitted with the  
12 application and may review the contents of the juvenile court file regarding  
13 the child.  
14  
15 (2) The temporary restraining order must be prepared on *Restraining Order—*  
16 *Juvenile (CLETS—JUV)* (form JV-250) and must state on its face the date of  
17 expiration of the order.  
18

19 **(g) (e) ~~Order to show cause and reissuance (§ 213.5(e))~~ Reissuance**  
20

21 ~~When a temporary restraining order is granted without notice, the matter must be~~  
22 ~~made returnable on an order to show cause why the order should not be granted, no~~  
23 ~~later than 15 days or, on a showing of good cause, 20 days from the date the~~  
24 ~~temporary restraining order is granted.~~

- 25  
26 ~~(1) On the motion of the person seeking the restraining order or on its own~~  
27 ~~motion, the court may shorten the time for service of the order to show cause~~  
28 ~~on the person to be restrained.~~  
29  
30 ~~(2)~~ (1) The court may, on its own motion or the filing of ~~an affidavit~~ a declaration  
31 by the person seeking the restraining order, find that the person to be  
32 restrained could not be served within the time required by the law and reissue  
33 an order previously issued and dissolved by the court for failure to serve the  
34 person to be restrained.  
35  
36 (2) The reissued order must state on its face the date of expiration of the order.  
37  
38 (3) *Application and Order for Reissuance of Order to Show Cause* (form FL-  
39 306/JV-251) must be used for this purpose.  
40  
41

42 **(h)(f) Hearing on application for restraining order (§ 213.5(d) and (f))**  
43

1 The court may issue, after notice and hearing, any of the orders in (e). The  
2 restraining order must remain in effect for a period of time determined by the court,  
3 but in any case not more than three years.  
4

5 ~~(1)~~—The matter may be heard simultaneously with any scheduled hearing  
6 regarding the child who is the subject of the section 300, 601, or 602 petition.  
7

8 ~~(2)~~(1) Proof may be by the application and any attachments, additional  
9 declarations or documentary evidence, the contents of the juvenile court file,  
10 testimony, or any combination of these.  
11

12 ~~(3)~~(2) The order after hearing must be prepared on *Restraining Order—*  
13 *Juvenile (CLETS—JUV)* (form JV-250) and must state on its face the date of  
14 expiration of the order.  
15

16 **(g) Service of restraining order**  
17

18 When service of *Restraining Order—Juvenile* (form JV-250) is made, it must be  
19 served with *Proof of Firearms Turned In or Sold* (form DV-800/JV-252) and *How*  
20 *Do I Turn In or Sell Firearms?* (form DV-800-INFO/JV-252-INFO). Failure to  
21 serve form JV-252 or JV-252-INFO does not make service of form JV-250 invalid.  
22

23 **(h) Expiration of restraining order**  
24

25 If the juvenile case is dismissed, the restraining order remains in effect until it  
26 expires or is terminated.  
27

28 **(i) Criminal records search (§ 213.5(k) and Stats. 2001, ch. 572, § 7)**  
29

30 \*\*\*  
31

32 **~~(j) Termination or extension of restraining order (§ 213.5(d))~~**  
33

34 ~~(1)~~—The restraining order may be terminated by the court before the expiration  
35 date listed on its face.  
36

37 ~~(2)~~—The restraining order may be extended beyond the expiration date listed on its  
38 face by mutual consent of all parties to the order, or by further order of the  
39 court on motion of any party to the order.  
40

41 **(i) Modification of restraining order**  
42

1 (1) A restraining order may be modified on the court's own motion or in the  
2 manner provided for in Welfare and Institutions Code section 388 and rule  
3 5.560.

4  
5 (2) A termination or modification order must be made on *Change to Restraining*  
6 *Order After Hearing* (form JV-255).

7  
8 ~~(k)~~ **Violation (§ 213.5(h))**

9  
10 ~~Any willful and knowing violation of any order, temporary order, or order after~~  
11 ~~hearing granted under section 213.5 is a misdemeanor, punishable under Penal~~  
12 ~~Code section 273.65.~~

13  
14 ~~(A)(k)~~ **Restraining orders issued by other courts (§ 304)**

15  
16 (1) ~~If a A restraining order has been issued by the juvenile court under section~~  
17 ~~213.5, no court other than a criminal court may issue any order contrary to the~~  
18 ~~juvenile court's restraining order. takes precedence over any other court order~~  
19 ~~except the following:~~

20  
21 (A) a conflicting criminal court order; or

22  
23 (B) an Emergency Protective Order that is more restrictive than the juvenile  
24 court order.

25  
26

**1 What is a firearm?**

A firearm is a

- Handgun
- Shotgun
- Rifle
- Assault Weapon



**2 If you own or have a firearm, you must:**

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

**3 How do I sell my firearm?**

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

**4 How do I take my firearm to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

**5 If I turn my firearm in to law enforcement, how long will they keep it?**

Ask the law enforcement agency.

**6 After I give my firearm to law enforcement, can I change my mind?**

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a Bill of Sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

**7 Do I have to pay the law enforcement agency to keep my firearm?**

You may have to pay the agency for keeping your firearm.

Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:

*[insert local information here]*

**DO:**

- unload your firearm.
- put your firearm in the trunk.
- leave firearm in the trunk until told what to do by law enforcement
- call ahead to the police department

**DO NOT:**

- bring a loaded firearm to the law enforcement agency.
- bring ammunition with the firearm when you turn it in.
- put your firearm in a locked glove compartment.
- bring a firearm to court.

CHILD'S NAME:  _____	CASE NUMBERS: JUVENILE: FAMILY:
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**VISITATION ORDER—JUVENILE**

Attachment to  **Custody Order—Juvenile (form JV-200)**

**Restraining order—Juvenile (form JV-250)**     **Change to Restraining Order After Hearing (form JV-255)**

1.  **VISITATION**

a.  As set forth in the attached visitation agreement.

b.  Specific visitation as follows:

(1)  **WEEKENDS** (specify starting date): \_\_\_\_\_

Father  Mother will have the children with him or her:

First weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Second weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Third weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Fourth weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

Fifth weekend of the month (specify day(s) and times): from \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.  
to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(2)  **ALTERNATE WEEKENDS** (specify starting date): \_\_\_\_\_

Father  Mother will have the children with him or her (specify day(s) and times): from \_\_\_\_\_  
at \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(3)  **MID-WEEK**

Father  Mother will have the children with him or her (specify day(s) and times): from \_\_\_\_\_  
at \_\_\_\_\_  a.m.  p.m. to \_\_\_\_\_ at \_\_\_\_\_  a.m.  p.m.

(4)  **Other** (specify days and times as well as any additional conditions):

Continued on Attachment 1b(4).

c.  A criminal protective order on form CR-160 is in effect: case number (specify): \_\_\_\_\_  
(expiration date): \_\_\_\_\_ in (specify county, if known): \_\_\_\_\_

**Conflicting Orders**

If a criminal restraining order (form CR-160) conflicts with a juvenile custody or visitation order (form JV-200 or JV-205), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Penal Code, § 136.2(h).) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

2.  **SUPERVISED VISITATION**

a.  Father  Mother will have supervised visitation with the minor children according to the schedule  set forth in item 1 above  to be determined by the parents.

b. The visits will be supervised by (name): \_\_\_\_\_

c. The supervisor's phone number is: \_\_\_\_\_

3.  **TRANSPORTATION FOR VISITATION AND PLACE OF EXCHANGE**

a.  Transportation to the visits must be provided by  father  mother  
 other (specify): \_\_\_\_\_

b.  Transportation from the visits must be provided by  father  mother  
 other (specify): \_\_\_\_\_

c.  The children must be delivered and picked up from (specify location): \_\_\_\_\_

d.  Other (specify): \_\_\_\_\_



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (Optional): _____</p> <p>E-MAIL ADDRESS (Optional): _____</p> <p>ATTORNEY FOR (Name): _____</p>	<b>FOR COURT USE ONLY</b>   <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER: JUVENILE: FAMILY:
<b>REQUEST FOR RESTRAINING ORDER—JUVENILE</b>	RELATED CASES (if any):

**1. Person requesting protection**

Full Name Age Relationship to child

**2. Other persons needing protection**

Full Name Age Relationship to child

**3. a. Person to be restrained (full name):**

**b. DESCRIPTION:**

Sex:  M  F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

**4. The child is**

- a.  a dependent of the court under Welfare and Institutions Code section 300; or
- b.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 300; or
- c.  a ward of the court under Welfare and Institutions Code section 601; or
- d.  a ward of the court under Welfare and Institutions Code section 602; or
- e.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 601; or
- f.  the subject of a petition that has been filed in this court under Welfare and Institutions Code section 602.

**5. Petitioner is the**

- a.  mother
- b.  father
- c.  child
- d.  guardian
- e.  social worker
- f.  probation officer
- g.  present caregiver of child
- h.  court-appointed special advocate
- i.  representative of Indian child's tribe
- j.  other (state interest or relationship to child):

CHILD'S NAME: _____	CASE NUMBER: _____
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6. The person to be restrained has *(check at least one box)*:
- a.  assaulted or attempted to assault one or more of the persons to be protected
  - b.  caused, threatened, or attempted bodily injury on one or more of the persons to be protected
  - c.  caused one or more of the persons to be protected to fear physical or emotional harm
  - d.  sexually assaulted or attempted to sexually assault one or more of the persons to be protected
  - e.  stalked one or more of the persons to be protected
  - f.  other *(specify)*:

7. **Description of conduct** *(describe in detail the most recent incidents supporting this application or attach copies of reports of law enforcement officers):*

Check here if there is not enough space for your answer. Put your complete description on an attached piece of paper and write "Attachment 6" as a title. Number of pages attached: \_\_\_\_\_

8.  A criminal protective order on form CR-160 is in effect against the person sought to be restrained:

- a.  Case number: \_\_\_\_\_ expiration date: \_\_\_\_\_
- b.  County *(if known)*: \_\_\_\_\_
- c.  Person protected by order: \_\_\_\_\_
- d.  Person restrained by order: \_\_\_\_\_

CHILD'S NAME:  _____	CASE NUMBER:  
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**9. Requested personal conduct orders**

- a.  Restrained person must not harass, molest, attack, strike, stalk, threaten, sexually assault, batter, destroy the personal property of, or disturb the peace of any person or persons named in item 1.
- b.  Restrained person must not contact (either directly or indirectly), by mail or otherwise, any person named in item 1
  - (1)  except for brief and peaceful contact as required for court-ordered visitation of children, unless a criminal protective order says otherwise
  - (2)  except for peaceful written contact through a process server or another person to serve legal papers related to a court case
- c.  Restrained person must move immediately from (address):  
  
and take only personal clothing and effects.
- d.  Restrained person must stay at least (specify): \_\_\_\_\_ yards away from the following persons and places (the addresses of these places are optional and may be kept confidential):
  - (1)  Protected persons named in item 1
  - (2)  The residence of the person or people listed in item 1 (address optional):
  - (3)  The workplace of the person or people listed in item 1 (address optional):
  - (4)  Child's school or place of child care (address optional):
  - (5)  The vehicle of the person or people listed in item 1 (description optional):
  - (6)  Other (specify):  
(address optional):
- e.  Restrained person must not take any action to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. (If this box is not checked, the court has found good cause not to make this order.) Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.
- f.  Restrained person must sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. Describe in item 5 any use of or threat regarding use of firearms. Petitioner believes the restrained person has the following firearms (specify):
- g.  The child is a ward or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of (list names):
- h.  Other requested orders:

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

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF PETITIONER)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  TELEPHONE NO. (Optional): _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER: JUVENILE: FAMILY:
<b>ANSWER TO REQUEST FOR RESTRAINING ORDER—JUVENILE</b>	RELATED CASES (if any):

- Name of person who asked for the order:
- Your name:  
Your address (skip this if you have a lawyer; if you want your address to be private, give a mailing address instead):

3.  **Personal conduct order**  
 I  do  do not agree to the order requested.

4.  **Move-out order**  
 I  do  do not agree to the order requested.

5.  **Stay-away order**  
 I  do  do not agree to the order requested.

6. *If you were served with Temporary Restraining Order (form JV-250), you cannot own or possess any guns, firearms, or ammunition. You must turn in (surrender) to local law enforcement or sell to a licensed gun dealer all guns and firearms owned by you or subject to your immediate possession or control and file a receipt with the court from the law enforcement agency or the licensed gun dealer within 48 hours after you received form JV-250. (See item 8 on form JV-250.) You may use Proof of Firearms Turned in or Sold (form JV-252), for the receipt.*

- I do not own or have any firearms.
- A copy of the receipt is  attached  has already been filed with the court.

7. The court should not make or issue a restraining order against me because (list facts or reasons below):

Check here if there is not enough space for your answer. Put your complete answer on an attached piece of paper and write "Attachment 7" as a title. Number of pages attached: \_\_\_\_\_

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶

\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

**JV-248**

**Confidential CLETS Information**

**California Law Enforcement Telecommunications System (CLETS) Information Form**

**Important Notice:** This form **MUST NOT** become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, the information on this form will be sent by the court to a statewide restraining order database for law enforcement officers. The information helps them enforce the order.

Restraining order case number (if you know it): \_\_\_\_\_

**1 Person to Be Protected (name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(Mailing address listed on restraining order) (City, state, zip) (Telephone number [optional])  
Vehicle (type, model, year): \_\_\_\_\_  
Vehicle License Number and State: \_\_\_\_\_

**2 Person to Be Restrained (name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
(Residence address) (City, state, zip) (Telephone number)  
(Workplace) (Occupation/title) (Work hours)  
(Business address) (City, state, zip) (Telephone number)  
Driver's License Number and State: \_\_\_\_\_ Vehicle license number and state: \_\_\_\_\_  
Vehicle (type, model, year): \_\_\_\_\_  
Social Security Number: \_\_\_\_\_  
Describe any marks, scars, or tattoos: \_\_\_\_\_  
List any other names used by the restrained person: \_\_\_\_\_

**3 Guns or Firearms**  
Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):  
\_\_\_\_\_  
\_\_\_\_\_

**4 Other People to Be Protected**

Name	Date of Birth	Sex	Race
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

**This is not a Court Order—Do not file in court file.**

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> TELEPHONE NO. ( <i>Optional</i> ): _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>RESTRAINING ORDER—JUVENILE</b> <input type="checkbox"/> Temporary Order <input type="checkbox"/> Notice of Hearing <input type="checkbox"/> Order After Hearing	CASE NUMBER:

1. **Person to be protected:** Full Name: \_\_\_\_\_ Sex: \_\_\_\_\_ Age: \_\_\_\_\_ Relationship to child: \_\_\_\_\_

2. **Additional persons to be protected**

Full Name	Sex	Age	Relationship to child
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3. **Person to be restrained** (*full name*): \_\_\_\_\_ *Relationship to child:* \_\_\_\_\_

Sex:  M  F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_

4.  **Temporary order not granted. The hearing is set as below.**

5.  **Temporary order**

a.  Person to be restrained received notice.

b.  Person to be restrained did not receive notice.

c.  **This temporary order will expire at midnight on the date of the hearing listed below**

d. If, at the hearing, the judge makes a restraining order which has the same orders as in the temporary order, the restrained person will get a copy of that order by mail at his or her last known address (*write restrained person's address*): \_\_\_\_\_

*If this address is not correct or to determine whether the orders were made permanent, contact the clerk of this court.*

6. Service of this notice of hearing must be at least  five or  (*specify*): \_\_\_\_\_ days before the hearing.

**TO THE PERSON TO BE RESTRAINED**

A court hearing has been set at the time and place indicated below. You may attend this hearing, with or without an attorney, to provide any legal reason that the orders above should not be extended. If you do not appear at this hearing, the court may extend or modify the orders for up to three years without further notice to you.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

7.  **Order after hearing**

a. This order after hearing expires on (*date and time*): \_\_\_\_\_

- If no end date is written, the restraining order ends three years after the date of the hearing, as indicated below.
- If no time is written, the restraining order ends at midnight on the end date.

b. Date hearing held: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

CASE NAME:  	CASE NUMBER:  
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- c. Judicial officer (*name*):
- d. Persons and attorneys present (*names*):

- e.  Person to be restrained present. No further service needed.
- f.  Person to be restrained not present.
  - (1)  The judge's orders in this form are the same as in the prior temporary restraining order except for the end date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.
  - (2)  The judge's orders are different from those in the prior temporary restraining order. An adult 18 years or older—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

**THE COURT FINDS AND ORDERS**

8. **Restrained person (ward)**  
 The restrained person is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person in 1 and 2.

9. **Restrained person**  
 a. **must not do the following things to the people in 1 and 2:**  
 (1)  molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, contact, or disturb the peace  
 (2)  contact, either directly or indirectly, by mail or otherwise  
 except for visitation as indicated in c below.

b.  **must stay away** at least (*specify*) \_\_\_\_\_ yards from:  
 (1)  job or workplace of person in item 1  
 (2)  the persons in 2, except for visitation as indicated in c below  
 (3)  home of person in item 1  
 (4)  job or workplace of person in item 1  
 (5)  vehicle of person in item 1  
 (6)  school of person in item 1  
 (7)  the children's school or child care  
 (8) other (*specify*):

c.  **has the right to visit the minor children** named in item 2 as follows:  
 (1)  None  
 (2)  Visitation according to the attached schedule (*form JV-205 must be attached if any visitation is ordered*)

d.  **must move** immediately from (*address*):

and take only personal clothing and belongings.

e.  **must NOT take any action** to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.

CASE NAME:  _____	CASE NUMBER:  _____
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**10. No guns or other firearms or ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
  - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within 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 guns have been turned in or sold. (You may use *Proof of Firearms Turned In or Sold*, (Form DV-800) for the receipt.)
- c.  The court has received information that you own or possess a firearm.

11.  A criminal protective order on form CR-160 is in effect:  
 Case number: \_\_\_\_\_ (expiration date): \_\_\_\_\_ County (if known): \_\_\_\_\_

12.  The protected persons have the right to record communications made by the restrained person that violate the judge's orders.

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

**14. Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel.

This order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a.  The court will enter the order into CARPOS through CLETS directly.
- b.  The court will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.
- c.  The court orders its designee (name): \_\_\_\_\_ to transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

Date: \_\_\_\_\_  
\_\_\_\_\_  
JUDICIAL OFFICER

**Warnings to the Restrained Person**

**If you do not obey these orders, you can be arrested and charged with a crime.** And you may have to go to jail or prison, pay a fine of up to \$1,000 or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

**You cannot have guns, firearms, and or ammunition.** You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, and or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.



CASE NAME: _____	CASE NUMBER:
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### Instruction for Law Enforcement

**Enforcing the Restraining Order.** This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

**Conflicting orders.** If a criminal restraining order (form CR-160) conflicts with a juvenile restraining order (form JV-250), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Pen. Code, § 136.2(h).) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

### Certificate of Compliance With VAWA for Temporary Orders

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

### Certificate of Compliance With VAWA for Orders After Hearing

This protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265). This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

### CLERK'S CERTIFICATE

[SEAL]

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

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> TELEPHONE NO. <i>(Optional):</i> _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	<b>FOR COURT USE ONLY</b>   <b>DRAFT</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER: JUVENILE: FAMILY:
<b>CHANGE TO RESTRAINING ORDER AFTER HEARING</b>	RELATED CASES <i>(if any):</i>

1. **Name of protected person:**

2. **Name of restrained person:**

3.  **Termination of restraining order after hearing *(order must be attached)***

a.  The restraining order after hearing on form JV-250 was issued on *(date):*

b.  The restraining order after hearing was terminated on *(date):*

4.  **Modified visitation order.** The modified visitation order is attached on form JV-205.

5.  **Protected persons**

The following person is no longer a protected person on the restraining order after hearing:

Full Name

Sex

Age

6.  **Other modifications:**

**7. Notices**

a. This order does not require service of process to be effective.

b. This order does not modify or terminate any other family, criminal, juvenile, civil or probate orders.

CHILD'S NAME:  	CASE NUMBER: JUVENILE: FAMILY:
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8. **Transmittal Order.** The data in this order must be transmitted to law enforcement personnel within one business day.

This order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a.  The court will enter the order into CLETS directly.
- b.  The court will transmit a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.
- c.  The court orders its designee (*name*): \_\_\_\_\_ to transmit a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CLETS.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY  <h2 style="margin: 0;">DRAFT</h2> <h3 style="margin: 0;">Not approved by the Judicial Council</h3>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>PROOF OF SERVICE—JUVENILE</b>	CASE NUMBER:

I served a copy of the \_\_\_\_\_ *(name of document)* on \_\_\_\_\_ *(hearing date, if applicable)* on the following persons or entities by personally delivering a copy to the person served, OR by delivering a copy to a competent adult at the usual place of residence or business of the person served and thereafter mailing a copy by first-class mail to the person served at the place where the copy was delivered, OR by placing a copy in a sealed envelope and depositing the envelope directly in the U.S. mail with postage prepaid or at my place of business for same-day collection and mailing with the U.S. mail, following our ordinary business practices with which I am readily familiar:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Social worker <input type="checkbox"/> Probation officer<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
|--|---|
  
- |  |   |
|--|---|
| 2. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
|--|---|
  
- |  |   |
|--|---|
| 3. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
|--|---|
  
- |  |   |
|--|---|
| 4. <input type="checkbox"/> Mother <input type="checkbox"/> Father <input type="checkbox"/> Legal guardian<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: | <input type="checkbox"/> Attorney<br>a. Name and address:<br><br>b. Date of service:<br>c. Method of service: |
|--|---|

CASE NAME:  	CASE NUMBER:  
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5.  Child (if 10 years of age or older)

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

6.  Child (if 10 years of age or older)

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

7.  Child's sibling

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

8.  CASA volunteer

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

9.  Tribe/Bureau of Indian Affairs

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

10.  Indian custodian

a. Name and address:

b. Date of service:

c. Method of service:

Attorney

a. Name and address:

b. Date of service:

c. Method of service:

CASE NAME:  	CASE NUMBER:  
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11.  Child's caregiver  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

Attorney  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

12.  De facto parent  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

Attorney  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

13.  Grandparent  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

Attorney  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

14. Other (*specify*):  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

Attorney  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

15. Other (*specify*):  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

Attorney  
 a. Name and address:  
  
 b. Date of service:  
 c. Method of service:

16. At the time of service I was at least 18 years of age and not a party to this cause. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):

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

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE)

**SPR11-54**

**Juvenile Law: Restraining Orders** (amend Cal. Rules of Court, rule 5.630; revise forms DV-810, JV-245, JV-248, and JV-250; and adopt forms JV-247 and JV-255)

All comments are verbatim unless indicated by an asterisk (\*)

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	Children’s Law Center Martha Matthews Supervising Attorney	A	<p>This proposal seeks to coordinate the forms and rules for juvenile court restraining orders with those used in family court, civil court, etc. We support this change in that it may help avoid confusion and inconsistency when the same parties may be subject to restraining orders from different courts.</p> <p>The proposal specifically requests comments on whether it's effective to have separate items for "Restrained person (child)" and "restrained person (adult)" on the juvenile court restraining order form. We believe the proposed form is clear and effective.</p>	<p>No response required.</p> <p>No response required.</p>
2.	Department of Public Social Services (DPSS)-Children’s Aggie Jenkins, ARM Court Policy Riverside County	A	<p>1. Having one (1) CLETS form is better than 6 and trying to locate correct one.</p> <p>2. Having 1 item in section 213.5(a)(3) for children may be easier for the youth to understand. Listing items for adults would be better.</p>	<p>The committee, in conjunction with the Protective Order Working Group, has created one universal CLETS form that can be used in all types of protective order proceedings.</p> <p>No response required.</p>
3.	Department of Justice	NI	<p><b>JV-250:</b> DOJ suggests the format of this form be updated to be consistent with the other forms (JV-110, JV-130 &amp; confidential JV-102).</p>	<p>The other protective order forms are plain language forms intended for self-represented litigants. Since parties in dependency proceedings have a right to counsel, plain language forms are not necessary. Plain language forms are also lengthy and given the increased workload to clerks changing the forms would be, this change would have to be circulated for public comment.</p>

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated.

**SPR11-54**

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	Commentator	Position	Comment	Committee Response
			<p>Otherwise:</p> <ol style="list-style-type: none"> <li>1. Restrained Person (Item 2)</li> </ol> <p>It would be helpful to include “relationship to the protected party.” This information would assist DOJ in tracking these orders to provide statistics.</p> <ol style="list-style-type: none"> <li>2. Firearms restriction prohibition (Item 8)</li> </ol> <p>The language does not include all the firearm restrictions. Language in warning should be included in the order.</p> <ol style="list-style-type: none"> <li>3. Transmittal Order (Item 11)</li> </ol> <p>The “into CLETS” language should be “into CARPOS.”</p>	<p>The committee has revised this form to include relationship to protected party.</p> <p>The committee has amended this form to use the same order that is on the DV forms.</p> <p>The committee has revised the form to indicate that the data must be entered into CARPOS through CLETS.</p>
4.	East Bay Children’s Law Offices Joy Ricardo, Managing Attorney	AM	<ol style="list-style-type: none"> <li>1. CLETS should be on one universal form.</li> <li>2. I would ask the committee strongly consider including stay away orders under restrained children also, as there circumstances where it is appropriate and necessary for the court to order that a juvenile stay away from a particular</li> </ol>	<p>The committee will, in conjunction with the Probate and Civil Advisory Committees, create one universal CLETS form that can be used in all types of protective order proceedings.</p> <p>The committee recommends that the Judicial Council amend the form as circulated for comment. The proposed item tracks the language of Welf. &amp; Inst. Code sect. 213.5(b). If the court wants to make additional orders, such as stay</p>

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**SPR11-54**

**Juvenile Law: Restraining Orders** (amend Cal. Rules of Court, rule 5.630; revise forms DV-810, JV-245, JV-248, and JV-250; and adopt forms JV-247 and JV-255)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			location or person. For example, if we represent a juvenile client that is being harassed by another juvenile and the order is specific as to the places the restrained youth must stay away from, this has a stronger impact in terms law enforcements' response and on the enforcement of the order.	away orders, they can be included in item 10 on the form—Other Orders.
5.	Orange County Bar Association John Hueston, President	A	No specific comments.	No response required.
6.	Superior Court of Monterey County Chenoa Summers, Research Attorney	AM	<p>1. Change to restraining order after hearing (form JV-255) - If the form is to be used to notify CLETS, then it should contain the following language consistent with proposed DV-300: "This form is used by the Court only to notify the California Law Enforcement Telecommunications System (CLETS) of certain changes to form FV-250." Also, item #4 should reference JV-200 (custody) in addition to JV-205 (visitation).</p> <p>2. Confidential CLETS form This form should be a universal form with a universal indicator for all six types of civil protective order proceedings. It contains the same information and is for law enforcement purposes only. If a petitioner did inadvertently forgets to fill out this form, the use of a universal form makes it even easier for the clerk</p>	<p>This form will not be used only to notify CLETS. It will be completed whenever a change to a restraining order is made.</p> <p>The committee has revised this form to include reference to the JV-205 visitation attachment. The committee is not amending this form to include reference to JV-200 custody attachment. A custody order is a final order from the juvenile court and would be modified in the family court, so would not attach to a juvenile court restraining order.</p> <p>The committee, in conjunction with the Protective Order Working Group, has created one universal CLETS form that can be used in all types of protective order proceedings.</p>

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**Juvenile Law: Restraining Orders** (amend Cal. Rules of Court, rule 5.630; revise forms DV-810, JV-245, JV-248, and JV-250; and adopt forms JV-247 and JV-255)

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			to supply the form upon filing.  3. CRC 5.630(j)(2) Reads "a termination or modification order must be made on 'change to restraining order after hearing (form JV-255).'" However, the 'change to restraining order after hearing (form JV-255 states that the form is to be used to notify CLETS. The rule needs to clarify this procedure and the purpose of JV-255.	This form will not be used only to notify CLETS. It will be completed whenever a change to a restraining order is made.
7.	Superior Court, County of Orange Linda Daeley, Family Law Division Manager	AM	Form DV800-INFO/JV-252-INFO In the Note “DO – DO NOT” section, under the DO area a bullet should be included instructing the party not to enter the police department with the firearm; to leave it in the trunk until given direction by a law enforcement officer. Following the note a party would call ahead to the police department, travel with the firearm in the trunk, and then take the firearm out of the trunk to deliver to the police. Suggest that this change be made in all forms that include this information.	The committee has amended this form to include an instruction that the firearm must be kept in the trunk of the car until given direction by law enforcement.
8.	Superior Court of Orange County Criminal Division Managers	AM	Form JV-245- Line #1 – Add “DOB” Form JV-250- Line #1 – Add “DOB”  This is not a DOJ required information, however, if the information is available, it should be entered as it may support enforcement of the order	The committee has added “Age” to this form to be consistent with the other protective order forms.
9.	Superior Court of Riverside County Staff	AM	On the JV-245, on the second page under #6, it is recommended that a box (☐) be added to	The committee has added a box and instructions on how to label and include attachments.

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**SPR11-54**

**Juvenile Law: Restraining Orders** (amend Cal. Rules of Court, rule 5.630; revise forms DV-810, JV-245, JV-248, and JV-250; and adopt forms JV-247 and JV-255)

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	Commentator	Position	Comment	Committee Response
			<p>indicate if there are attachments.</p> <p>On the JV-247, the court suggests a change the signature line from “Petitioner” to ‘Signature of Declarant’.</p> <p>On the JV-250, under #1, I would list lines to indicate Name, Sex and Age as follows:  <u>Name</u>                      <u>Sex</u>                      <u>Age</u></p> <p>On the JV-250 at the bottom of the form on every page I would put in bold – <b>This Is A Court Order</b></p> <p>On the JV-250 on page 2, letter d indicates to attach a JV-205 form. The JV-205 form needs to be updated to add box to indicate it can be attached to the JV-250. Example:</p> <p><input type="checkbox"/> Attach to Restraining Order – Juvenile (JV-250)</p> <p>It would be beneficial to have a service form for the Juvenile Restraining Order</p>	<p>The committee has changed the signature line to read “Sign your name” to be consistent with other protective order forms.</p> <p>The committee has listed lines to indicate name, sex, and age, to more clearly ask for this information.</p> <p>The current form says “Restraining Order— Juvenile” on the bottom of each form. To add an additional line in bold stating “This Is A Court Order” would cause the information regarding the expiration date of the order to be moved to the second page. The Committee will keep this important information on the first page, so the order is easily read and enforced.</p> <p>The committee has added boxes to the JV-205 to indicate it can be attached to a Restraining Order and to a Modification of Restraining Order.</p> <p>The current Proof of Service form JV-510 is meant to be a universal form for all hearings and</p>

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**SPR11-54**

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	Commentator	Position	Comment	Committee Response
				<p>motions. In response to this comment, the committee has added that form to this proposal. The committee has amended the JV-510 by adding a space to indicate hearing date on the form to make its use appropriate for restraining order service.</p>
10.	<p>Superior Court of San Diego County Michael Roddy, Court Executive Officer</p>	AM	<p>Form JV-248 Confidential CLETS Info form-Proposal is to have one form created for each of the six types of civil protective orders proceedings that are identical with different form # for each type. One form should be created versus 6. The universal form can be added to each form group so the universal form displays under Juvenile, Civil, etc. and is accessible to parties in all areas. Courts usually have restraining order packets so that one form can be included in all packets. This would be less maintenance for the courts as form changes occur.</p> <p>Form JV-250 Restraining Order-Juvenile-Proposal is to separate out the restraining order language that applies to juveniles from the restraining order language that applies to adults. The proposed change is clearer since the order language is not the same for juveniles &amp; adults.</p> <p>All other proposed form changes are fine.</p>	<p>The committee, in conjunction with the Protective Order Working Group, has created one universal CLETS form that can be used in all types of protective order proceedings.</p> <p>No response required.</p>

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CALIFORNIA 2010 LEGISLATIVE SERVICE  
2010 Portion of 2009-2010 Regular Session

Additions are indicated by **Text**; deletions by  
~~\*\*\*~~.

CHAPTER 572  
A.B. No. 1596  
CRIMINAL PROCEDURE--PROTECTIVE ORDERS--ENFORCEMENT

AN ACT to amend Sections 527.6, 527.8, 527.10, 527.85, and 527.9 of the Code of Civil Procedure, to amend Sections 241, 242, 243, 244, 245, 246, 6304, 6320, 6320.5, 6322.7, 6345, 6380, 6384, 6387, and 6389 of, to add Section 6229 to, and to repeal and add Section 6302 of, the Family Code, to amend Section 6103.2 of the Government Code, and to amend Sections 213.5, 15657.03, and 15657.04 of the Welfare and Institutions Code, relating to protective orders.

[Filed with Secretary of State September 30, 2010.]

SEC. 25. Section 213.5 of the Welfare and Institutions Code is amended to read:

<< CA WEL & INST § 213.5 >>

213.5. (a) After a petition has been filed pursuant to Section 311 to declare a child a dependent child of the juvenile court, and until the time that the petition is dismissed or dependency is terminated, upon application in the manner provided by Section 527 of the Code of Civil Procedure **or in the manner provided by Section 6300 of the Family Code, if related to domestic violence**, the juvenile court ~~\*\*\*has exclusive jurisdiction to~~ issue ex parte orders (1) enjoining any person from molesting, attacking, striking, **stalking, threatening**, sexually assaulting, ~~\*\*\*battering~~, **harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of** the child or any other child in the household; **and** (2) excluding any person from the dwelling of the person who has care, custody, and control of the child. ~~\*\*\*~~ A court may also issue an ex parte order enjoining any person from ~~\*\*\*molesting~~, attacking, striking, ~~\*\*\*stalking~~, **threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 635m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of,** or disturbing the peace of any parent, legal guardian, or current caretaker of the child, regardless of whether the child resides with that parent, legal guardian, or current caretaker, upon application in the manner provided by Section 527 of the Code of Civil Procedure **or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code. A court may also issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 635m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the child's current or former social worker or court appointed special advocate, upon application in the manner provided by Section 527 of the Code of Civil Procedure.**

(b) After a petition has been filed pursuant to Section 601 or 602 to declare a child a ward of the juvenile court, and until the time that the petition is dismissed or wardship is terminated, upon application in the manner provided by Section 527 of the Code of Civil Procedure **or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code**, the juvenile court may issue ex parte orders (1) enjoining any person from molesting, attacking, **striking, stalking**, threatening, sexually assaulting, ~~\*\*\*battering~~, **harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of** the child or any other child in the household; (2)

excluding any person from the dwelling of the person who has care, custody, and control of the child; or (3) enjoining the child from contacting, threatening, stalking, or disturbing the peace of any person the court finds to be at risk from the conduct of the child, or with whom association would be detrimental to the child. **A court may also issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 635m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of any parent, legal guardian, or current caretaker of the child, regardless of whether the child resides with that parent, legal guardian, or current caretaker, upon application in the manner provided by Section 527 of the Code of Civil Procedure or, if related to domestic violence, in the manner provided by Section 6300 of the Family Code. A court may also issue an ex parte order enjoining any person from molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, harassing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 635m of the Penal Code, destroying the personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of, or disturbing the peace of the child's current or former probation officer or court appointed special advocate, upon application in the manner provided by Section 527 of the Code of Civil Procedure.**

(c) If a temporary restraining order is granted without notice, the matter shall be made returnable on an order requiring cause to be shown why the order should not be granted, on the earliest day that the business of the court will permit, but not later than **21** days or, if good cause appears to the court, **25** days from the date the temporary restraining order is granted. The court may, on the motion of the person seeking the restraining order, or on its own motion, shorten the time for service of the order to show cause on the person to be restrained. The court may, upon its own motion or the filing of ~~\*\*\*~~**a declaration** by the person seeking the restraining order, find that the person to be restrained could not be served within the time required by law and reissue an order previously issued and dissolved by the court for failure to serve the person to be restrained. **The reissued order shall remain in effect until the date set for the hearing.** The reissued order shall state on its face the date of expiration of the order. Any hearing pursuant to this section may be held simultaneously with any regularly scheduled hearings held in proceedings to declare a child a dependent child or ward of the juvenile court pursuant to Section 300, 601, or 602, or subsequent hearings regarding the dependent child or ward.

(d) The juvenile court may issue, upon notice and a hearing, any of the orders set forth in subdivisions (a), (b), and (c). Any restraining order granted pursuant to this subdivision shall remain in effect, in the discretion of the court, no more than three years, unless otherwise terminated by the court, extended by mutual consent of all parties to the restraining order, or extended by further order of the court on the motion of any party to the restraining order.

(e)(1) The juvenile court may issue an order made pursuant to subdivision (a), **(b)**, or (d) excluding a person from a residence or dwelling. This order may be issued for the time and on the conditions that the court determines, regardless of which party holds legal or equitable title or is the lessee of the residence or dwelling.

(2) The court may issue an order under paragraph (1) only on a showing of all of the following:

(A) Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

(B) That the party to be excluded has assaulted or threatens to assault the other party or any other person under the care, custody, and control of the other party, or any minor child of the parties or of the other party.

(C) That physical or emotional harm would otherwise result to the other party, to any person under the care, custody, and control of the other party, or to any minor child of the parties or of the other party.

(f) Any order issued pursuant to subdivision (a), (b), (c), or (d) shall state on its face the date of expiration of the order.

(g) ~~\*\*\*~~**All data with respect to a juvenile court \*\*\*protective** order, or extension, modification, or termination

thereof, granted pursuant to subdivision (a), (b), (c), or (d), ~~\*\*\*~~ shall be transmitted by the court or its designee, within one business day, to law enforcement personnel by either one of the following methods:

**(1) Transmitting a physical copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).**

**(2) With the approval of the Department of Justice, entering the order into CLETS directly.**

(h) Any willful and knowing violation of any order granted pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor punishable under Section 273.65 of the Penal Code.

(i) A juvenile court restraining order related to domestic violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

~~\*\*\*~~

**(j)(1)** Prior to a hearing on the issuance or denial of an order under this part, a search shall be conducted as described in subdivision (a) of Section 6306 of the Family Code.

(2) Prior to deciding whether to issue an order under this part, the court shall consider the following information obtained pursuant to a search conducted under paragraph (1): any conviction for a violent felony specified in Section 667.5 of the Penal Code or a serious felony specified in Section 1192.7 of the Penal Code; any misdemeanor conviction involving domestic violence, weapons, or other violence; any outstanding warrant; parole or probation status; any prior restraining order; and any violation of a prior restraining order.

(3)(A) If the results of the search conducted pursuant to paragraph (1) indicate that an outstanding warrant exists against the subject of the search, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of any information obtained through the search that the court determines is appropriate. The law enforcement officials notified shall take all actions necessary to execute any outstanding warrants or any other actions, as appropriate and as soon as practicable.

(B) If the results of the search conducted pursuant to paragraph (1) indicate that the subject of the search is currently on parole or probation, the court shall order the clerk of the court to immediately notify, by the most effective means available, the appropriate parole or probation officer of any information obtained through the search that the court determines is appropriate. The parole or probation officer notified shall take all actions necessary to revoke any parole or probation, or any other actions, with respect to the subject person, as appropriate and as soon as practicable.

**(k)** Upon making any order for custody or visitation pursuant to this section, the court shall follow the procedures specified in subdivisions (c) and (d) of Section 6323 of the Family Code.