

Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-60

Title	Action Requested
Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence	Review and submit comments by Monday, June 30, 2011
Proposed Rules, Forms, Standards, or Statutes Title	Proposed Effective Date
Revise forms CH-100, EA-100, SV-100, WV-100, SV-100-INFO, WV-100-INFO, SV-102, WV-102; SV-109, WV-109, SV-110, WV-110, SV-120-INFO, WV-120-INFO, EA-130, SV-130, WV-130, SV-200-INFO, and WV-200-INFO;	January 1, 2012
Revise form DV-260/CH-102/EA-102/JV-248 and adopt forms CH-102 and EA-102 as separate forms;	Contact
Revoke forms CH-120 and EA-120 and adopt forms CH-109, CH-110, EA-109, and EA-110 as new separate forms;	Patrick O'Donnell, 415-865-7665 patrick.o'donnell@jud.ca.gov
Revise and renumber forms CH-110 as CH-120, CH-125 as CH-115, CH-130 as CH-200, CH-131 as CH-250, CH-135 as CH-200-INFO, CH-140 as CH-130, CH-131 as CH-250, CH-145 as CH-800, CH-150 as CH-100-INFO, and CH-151 as CH-120-INFO;	Bruce Greenlee, (415) 865-7698 bruce.greenlee@jud.ca.gov
Revise and renumber forms EA-110 as EA-120, EA-125 as EA-115, EA-140 as EA-200, EA-141 as EA-250; EA-142-INFO as EA-200-INFO, EA-145 as EA-800, EA-150-INFO as EA-100-INFO, and EA-151-INFO as EA-120-INFO; and	

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Adopt forms CH-116, CH-260, CH-700, CH-710, CH-720, CH-730, CH-800-INFO, EA-116, EA-260, EA-700, EA-710, EA-720, EA-730, EA-800-INFO, SV-115, SV-116, SV-260, SV-700, SV-710, SV-720, SV-730, SV-800-INFO, WV-115, WV-116, WV-260, WV-700, WV-710, WV-720, WV-730, and WV-800-INFO.

Proposed by
Civil and Small Claims Advisory Committee
Hon. Dennis M. Perluss, Chair
Patricia M. Lucas, Vice-Chair

Summary

This is a proposal to revise many of the Judicial Council forms used in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse. The proposal also recommends that some new forms be adopted for use in these proceedings. The revisions and adoption of these forms will implement Assembly Bill 1596, the Judicial Council–sponsored legislation to improve and harmonize all the protective order statutes that will become effective on January 1, 2012.¹

The Civil and Small Claims Advisory Committee² proposes that the Judicial Council, effective January 1, 2012:

1. Revise forms CH-100, EA-100, SV-100, WV-100, SV-100-INFO; WV-100-INFO, SV-102, WV-102; SV-109, WV-109, SV-110, WV-110, SV-120-INFO, WV-120-INFO, EA-130, SV-130, WV-130, SV-200-INFO, and WV-200-INFO;
2. Revise form DV-260/CH-102/EA-102/JV-248 and adopt forms CH-102 and EA-102 as separate forms;

¹ The domestic violence prevention forms and juvenile protective order forms will also be revised this year to reflect changes in the law under AB 1596. The revisions to those forms are presented in a separate invitation to comment proposed by the Family and Juvenile Law Advisory Committee.

² The committee developed this proposal with the assistance of the Protective Order Working Group, which is composed of members from the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, the Criminal Law Advisory Committee, and the Domestic Violence Practice and Procedures Task Force. The working group has coordinated the revisions of all the different protective order forms and sought to achieve consistency in style, formatting, and language to the extent appropriate.

3. Revoke forms CH-120 and EA-120 and adopt forms CH-109, CH-110, EA-109 and EA-110 as new separate forms;
4. Revise and renumber forms CH-110 as CH-120; CH-125 as CH-115, CH-130 as CH-200, CH-131 as CH-250, CH-135 as CH-200-INFO, CH-140 as CH-130, CH-131 as CH-250, CH-145 as CH-800, CH-150 as CH-100-INFO, and CH-151 as CH-120-INFO;
5. Revise and renumber forms EA-110 as EA-120; EA-125 as EA-115, EA-140 as EA-200, EA-141 as EA-250; EA-142-INFO as EA-200-INFO, EA-145 as EA-800, EA-150-INFO as EA-100-INFO, and EA-151-INFO as EA-120-INFO; and
6. Adopt forms CH-116, CH-260, CH-700, CH-710, CH-720, CH-730, CH-800-INFO, EA-116, EA-260, EA-700, EA-710, EA-720, EA-730, EA-800-INFO, SV-115, SV-116, SV-260, SV-700, SV-710, SV-720, SV-730, SV-800-INFO, WV-115, WV-116, WV-260, WV-700, WV-710, WV-720, WV-730, and WV-800-INFO.

Copies of the forms to be revised, renumbered and revised, adopted, and revoked are attached.

Discussion

Background

The Judicial Council sponsored the legislation in 2010 that resulted in the comprehensive revision of the protective order statutes.³ Assembly Bill 1596 was enacted and signed by the Governor.⁴ It will become effective on January 1, 2012.

AB 1596 amended sections of the Code of Civil Procedure, Welfare and Institutions Code, Family Code, and Government Code that provide for protective orders relating to civil harassment (CH), private postsecondary school violence (SV), workplace violence (WV), elder and dependent adult abuse (EA), juvenile law (JV), and domestic violence (DV). The purpose of the legislation was to create greater consistency in procedures and practices, eliminate unnecessary statutory differences, fill in procedural gaps, clarify uncertain matters, and generally improve the statutes that relate to protective orders.

Legislative implementation

This proposal recommends the revision of numerous protective order forms so that they will be consistent with the law under Assembly Bill 1596 when it becomes effective on January 1, 2012. The important features of the legislation include the following:

³ A copy of the Judicial Council report recommending the protective order legislation is available at www.courtinfo.ca.gov/jc/documents/reports/121509item5.pdf.

⁴The 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.

- The bill describes the parties in all types of protective order proceedings consistently as the “petitioner” and the “respondent,” and it defines those terms.
- The bill specifies the particular types of orders that can be issued in response to a request for a civil harassment, workplace violence, private postsecondary school violence, or juvenile court protective order.
- The bill allows the court to include other named family or household members of the petitioner in a civil harassment, workplace violence, or private postsecondary school violence prevention order without regard to where they reside.
- The bill requires the court to act on a request for a temporary restraining order to prevent civil harassment, elder or dependent adult abuse, workplace violence, or private postsecondary school violence on the same day that the petition is filed, unless it is filed too late in the day to permit effective review, in which case it shall be acted upon on the next judicial business day.
- The bill provides that the court shall hold a hearing on all types of protective orders within 21 days of the date the request for a temporary restraining order is granted or denied, or if good cause appears, 25 days.
- The bill provides that a civil harassment, workplace violence, or private postsecondary school violence order after hearing shall last no more than three years and may be renewed, upon the request of a party, for not more than three years without a showing of further harassment or abuse since the issuance of the original order. The bill will change the statute on elder and dependent adult abuse prevention to be like the statute on domestic violence prevention to allow a restraining order after hearing to last up to five years and to be renewed for up to five additional years or permanently.
- The bill adds to the statutes on civil harassment, workplace violence, and private postsecondary school violence express provisions authorizing the court to reissue temporary restraining orders that could not be served within the time required by statute and providing that a reissued order shall remain in effect until the date set for the hearing on the permanent order.
- The bill provides that when the person named in a civil harassment, workplace violence, or private postsecondary school violence protective order has not been served personally with the order after the hearing but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.
- The bill allows for mail service in civil harassment, workplace violence, and private postsecondary school violence proceedings when the permanent order issued by the court

is identical to the temporary restraining order except for its duration, and the respondent has not appeared; the amended statutes require that the Judicial Council forms for temporary orders include a notice to the respondent about this provision.

- Information regarding any protective order issued by a court must promptly be transmitted to the Department of Justice for entry into its California Law Enforcement Telecommunications System (CLETS) database. The bill provides that as an alternative to requiring the court to order the petitioner to deliver a copy of a civil harassment, workplace violence, private postsecondary school violence or elder and dependent adult abuse protective order to law enforcement agencies by the close of the business day on which the order was granted, the court may transmit a copy to law enforcement for entry into CLETS or the court may enter the order into CLETS itself, if authorized, within one business day.
- The bill incorporates the Penal Code prohibition on owning, possessing, purchasing or receiving *ammunition* into the existing firearm prohibition provisions in each of the protective order statutes.
- The bill provides for free service by the sheriff or marshal of a civil harassment order if it based on unlawful violence as well as on a credible threat of violence or stalking.
- The bill provides that, for all types of protective orders, any request for renewal may be brought within the three months before the expiration of the orders.

General Changes to the Forms

Legal accuracy

All the protective order forms have been reviewed and modified to accurately reflect and implement recent changes in the law, including most notably the enactment of AB 1596. Many specific items on the forms have been revised and some new items added for this purpose, as discussed more fully below.

Renumbering

The Judicial Council protective order forms have evolved over many years and different numbering systems have been employed on forms used in different types of proceedings. As part of the long-term project for the comprehensive overhaul of all the protective order forms, this proposal recommends that a number of current forms be renumbered so that there will be a consistent system of numbering for all types of forms used to request and obtain protective orders. Thus, all protective order petitions will use 100s as identifying numbers, all responses 120s, all notices of hearing 109s, all temporary restraining orders 110s, and so forth. This uniform numbering system should make it simpler for courts, litigants, and law enforcement to identify, locate, and use the forms. Also, the information forms have been renumbered so that

they correspond to the particular forms to which they relate. Thus, the information form for the civil harassment petition, form CH-100, has been renumbered as form CH-100-INFO instead of as form CH-150. This renumbering should make all the information forms easier to identify, locate, and use.⁵

Style and format changes

The protective order forms have evolved over the years to be much clearer and more user-friendly. The ongoing efforts at forms improvement have most notably involved a major commitment over the past decade to use plain language on all the protective order forms. Changes have been also made so that the format and layout of the forms is easier to use.

Recently, the forms' design has also taken into account the need to make the forms compatible with electronic forms generation and assembly; at the same time, the forms have been designed so that they continue to be workable for self-represented litigants who hand-write them as well as for persons who may be preparing the forms electronically.

The revised forms in this proposal embody these developments. The language on the forms has been carefully reviewed to be clear. Bold headings have generally been added at the beginning of each item to clarify its subject. Unnecessary case information about the parties in the header at the top of each page has been eliminated, thereby simplifying the preparation of the forms.

In addition, the captions of the forms have been redesigned to be clearer and easier to use. Address blocks have been revised to combine the petitioner's and the attorney's address, telephone number, e-mail and fax numbers; this should simplify the captions and save space. The address blocks also have been redesigned to provide separate fields for each item so that all the information about the parties can easily be located. This feature should also make it easier to electronically file the forms when such filing becomes available.

Another set of changes relates to attachments. On the civil harassment and elder abuse prevention forms, the instructions about attachments indicate that the user can use a sheet of paper or Form MC-025, the standard Judicial Council attachment form. On the domestic violence prevention forms, discussed in a separate invitation to comment, the references to the standard attachment form have been eliminated. On the workplace and private postsecondary violence prevention forms, which are to be completed by employers or school administrators or their lawyers, the forms simply state that additional information is provided on the numbered attachment, with no more detailed instructions. Comments are invited on whether the proposed instructions on attachments are appropriate or should be modified.

⁵ A chart showing the proposed renumbering of the protective order forms is attached at the end of this invitation to comment.

Finally, whenever any form refers to the California Courts website, the reference has been revised to refer to *ww.courts.ca.gov*.

Differences in form sets

The protective order forms for private postsecondary school violence were adopted effective January 1, 2011, and the forms for workplace violence were revised into plain language effective January 1, 2011. Thus, for the most part, the only significant revisions to these forms have been to update them to be consistent with recent changes in the law. The new portions are shown as shaded on the forms. By comparison, the forms for use to prevent civil harassment and elder or dependent adult abuse have not been revised recently and thus have been much more extensively revised in this proposal. Because the changes are so extensive, the changes on those forms have not been shaded.

Additional information about the substantive and stylistic changes on the forms is provided below in connection with the discussion of particular forms.

Petitions, responses, and information forms (forms CH-100, CH-100-INFO, CH-120, CH-120-INFO, EA-100, EA-100-INFO, EA-120, EA-120-INFO, SV-100, SV-100-INFO, SV-120, SV-120-INFO, WV-100, WV-100-INFO, WV-120, and WV-120-INFO)

The petitions, responses, and information forms have been updated. References to the prohibition of owning, possessing purchasing or receiving *ammunition* as well as firearms have been added. In addition, the forms have been revised to tell petitioners that, if the respondent did not attend the hearing but the order issued is identical to the temporary restraining order (except for the termination date), the order may be served on the respondent by mail.

On the technical side, several additional changes have been made. As mentioned above, address boxes in the captions have been modified. The party name provisions at the top of each page have been eliminated. The information forms have been renumbered and updated so that they accurately refer to revised and renumbered forms. And the civil harassment and elder abuse prevention response forms have been renumbered as CH-120 and EA-120 to be consistent with the other protective order response forms.

Confidential CLETS Information forms (forms CH-102, EA-102, SV-102, and WV-102)

Separate *Confidential CLETS Information* forms have been created for each type of protective order proceeding. Each of these forms would have a designation number (102) right after the corresponding petition number (100); and each petition would state right at the beginning that the CLETS forms must be filled out along with the petition.

Currently the CLETS information forms for CH and EA are combined with the forms for DV and JV in form DV-260/CH-102/EA-102/JV-248. Last year, in creating the SV forms and revising the WV forms, it was determined that a CLETS information form with six separate identifier numbers would be unnecessarily unwieldy. Therefore, separate new SV-102 and WV-

102 forms were created. This proposal recommends that CH-102 and EA-102 also become separate forms.

The proposed revised CLETS information forms would be identical except for the designator. Providing a separate designated version of the CLETS form for each case type will make the forms easier for everyone to identify and use. Thus, CH-102 would be used with the other civil harassment forms, EA-102 with the other elder abuse prevention forms, and so forth.

As an alternative, a single form with a unique designator (for example, CLETS-001) could be created for use in all types of protective order proceedings. To provide greater access to the form, the CLETS information form with the universal designator could be included in each separate forms group on the California Courts website. However, even with such access, petitioners might still find the form more difficult to locate and inadvertently not include it with their petitions. So the benefits of having separate forms seem to outweigh those of having a single form. Accordingly, this proposal recommends the adoption of separate CLETS information forms for each type of proceeding.

Comments are invited on whether there should be a single CLETS information form with a universal designator or six separate forms that are the same except for the designator, to be used with each series of protective order forms.

There are several other issues with respect to the CLETS information forms. First, in terms of revisions to the CLETS forms, in the box the phrase “Case number of your restraining order” has been changed to simply “Case number.” Comments are invited on whether this language or the original language is preferable.

Second, the CLETS information forms currently include the mailing—but not the actual residential address—of the person to be protected. Some have suggested that no information at all about the address of this person should be required on the forms, including even the mailing address as this information is unnecessary and might be inadvertently disclosed. Others have suggested that the residential address of the protected person should be provided instead of the mailing address as the residential address might be useful or necessary for law enforcement to enforce any order. A third view is that the current approach is correct, and only the mailing address should be included on the CLETS forms. Its inclusion on the form will assist the person entering the information into CLETS, but other address information is not needed or desirable. Comments are invited on what information, if any, about the address of the protected persons should be included on the CLETS information forms.

Finally, the question has arisen whether the CLETS information forms should include in item 4, for information about other protected persons, a place to identify the relationship of the other protected persons to the party protected under the protective order. Such a place current exists on the form DV-260/CH-102/EA-102/JV-248, but not on forms SV-102 and WV-102. Comments

are invited on whether or not a place for such information should be included on all CLETS information forms in the future.

Notices of hearing and temporary restraining orders (forms CH-109, CH-110, EA-109, EA-110, SV-109, SV-110, WV-109, WV-110; forms CH-120 and EA-120)

General

For the past few years, the notices of hearing and temporary restraining orders, which had previously had been combined on a single form, have consistently been divided into two separate forms as protective orders have been revised. The main reason for this is that there had been confusion for respondents, law enforcement, and others when a temporary restraining order was denied but the combined form (still containing the pages concerning temporary restraining orders) was served along with the notice of hearing.

Once the forms are separated, this problem no longer exists. If a temporary restraining order is denied, only the notice of hearing is served on the respondent. The current forms revision proposal continues this approach. All the form sets have separate notices of hearings (numbered as 109s) and temporary restraining orders (numbered as 110s). The former combined forms (CH-120 and EA-120) would be revoked.⁶

Notices of Hearing

As in recent versions of the notice of hearing forms, the revised notice forms continue to include a statement whether request for temporary restraining order has been granted, denied, or partly granted and partly denied. (See forms CH-109, EA-109, SV-109 and WV-109.) A check box continues to be included for the mostly commonly encountered grounds for denial. However, the language describing the grounds has been modified and tailored to specific types of proceedings. Comments are invited on this language, which is in item 4b of the notice forms.

On each of the notices of hearing, a new bullet point has been added informing petitioners that if they are unable to serve the respondent, they may ask for more time to serve the documents using form CH-115, *Request for Continuance and to Reissue Temporary Restraining Order*.

Temporary Restraining Orders

In recent versions of the temporary restraining order forms, the forms have included check boxes at the beginning of each item ordered for the judicial officer to indicate whether the requested order item has been granted, not granted, or not requested. The revised temporary restraining order forms in this proposal have been modified to be even clearer. Each item that might be ordered by the judicial officer has at the beginning the following check boxes:

Not requested **Denied** **Granted as follows:**

⁶ As mentioned above, the new CH-120 and EA-120 forms would be for responses. After the proposed revisions, all response forms will have 120s as the designator.

These check boxes will enable the judicial officer to clearly indicate his or her ruling on each item in the order. Some judicial officers have indicated that they like the three check boxes because the boxes prompt them to review the request and confirm that they have responded to every item requested.

The check boxes also address a problem relating to the modernization of the forms-generation process. In the paper world, a judicial officer could physically cross-out and initial a denied order, but he or she will not be able to do so when preparing an order electronically. The availability of the check boxes will enable judicial officers to complete orders by electronic means. By checking the “denied” box, the judicial officer will be able to indicate clearly his or her ruling, without crossing out any text. Similarly, by checking “granted as follows:”, the court can clearly indicate that what follows is its ruling. On the other hand, if check boxes are not included on the forms, it will be more difficult for the judicial officer to indicate his or her ruling, particularly when a request for an order is being denied. Handwritten orders showing strikeouts will need to be physically processed and scanned into courts’ electronic records systems.

There is another view, however, that the check boxes on the orders are burdensome or unnecessary. Those supporting this view prefer the previous design of the order forms that simply had a single check box at the beginning of each item that might be ordered. If the order was granted, the box would be checked; and if the order was denied, the box would not be checked. To make the denial clearer, the judicial officer could also physically cross-out an item. Those who support this approach recommend eliminating the boxes from the order forms altogether or at least from the orders after hearing.

In the present proposal, the proposed temporary restraining order forms use the approach with check boxes for the judicial officer to indicate whether a particular order is denied or granted.⁷ On the other hand, the orders after hearing described further below use the previous approach; that is, they simply contain a single box at the beginning of each order. So if the box is checked, that means that the order is granted; if it is not checked, it means the order is not granted.⁸

Comments are invited on whether multiple option or single check boxes should be on all the order forms, or some of them, or some combination, and any possible alternative approaches.

Comments are also invited on the language on all the personal conduct orders that currently states, “Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.” Should this language be modified to clarify that it is permissible to serve a response by mail? If so, what language should be used?

⁷ The check boxes may be seen on attached forms CH-110, EA-110, SV-110, and WV-110.

⁸ See attached forms CH-130, EA-130, SV-130, and WV-130.

A few other modifications have been made to the revised temporary restraining orders being circulated at this time. The stay-away order items have been broken into more detailed subparts than in the previous versions of the workplace and school violence prevention orders. This will enable the judicial officers to more clearly distinguish between orders protecting the principal protected person and those protecting any other persons.

To implement AB 1596, a new “notice regarding nonappearance at the hearing and service of the order” has been added to each of the temporary restraining order forms. The notice explains that if the permanent order issued by the court is identical to the temporary restraining order except for its duration and the respondent has not appeared, the order after hearing may be served on the respondent by mail.

More detailed instructions to law enforcement, which had previously been included only on the domestic violence prevention order forms, have been added to each of the other temporary restraining order forms. Comments are invited on whether these instructions should be included on all the forms.

Provisions about firearms restrictions and firearms relinquishment are currently included in both a specific item on the orders and in instructions later on the forms. This approach has the benefit of emphasizing the importance of not possessing and of relinquishing firearms, but is somewhat repetitive. Comments are invited whether the current approach should be retained.

Requests for continuance and to reissue temporary restraining order, and orders reissuing temporary restraining orders and notice of new hearing date (forms CH-115, CH-116, EA-115, EA-116, SV-115, SV-116, WV-115, and WV-116)

New forms have been developed for persons to use to request a continuance and the reissuance of a protective order in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse. The new forms for orders on requests for continuance and reissuance can be used for requests for continuance by either the petitioner or the respondent; and these forms include a place to provide the new hearing date. It is anticipated that these new forms will be helpful to both litigants and the courts.

Restraining orders after hearing (forms CH-130, EA-130, SV-130 and WV-130)

To reflect AB 1596, the orders after hearing have been revised to include a provision authorizing service on the respondent by mail if that person was present in court and the judge’s orders were the same as in the temporary restraining orders except for the expiration date. Like the temporary restraining orders, the orders after hearing have been revised to include more detailed stay-away orders and more detailed instructions to law enforcement. As mentioned above, unlike the temporary restraining orders, the revised orders after hearing follow the earlier format under which there is a single check box in front of each item to be ordered rather than separate check boxes for the judicial officer to indicate whether a requested order is being granted or denied. Finally, the orders contain an item in which the court directs the method by which the order after hearing must be entered into CLETS.

Comments are invited on the revisions to the orders after hearing, including in particular the issue of what check boxes are best.

Proofs of service (forms CH-200, CH-200-INFO, CH-250, CH-260, EA-200, EA-200-INFO, EA-250, EA-260, SV-200, SV-200-INFO, SV-250, SV-260, WV-200, WV-200-INFO, WV-250, and WV-260)

The proof of service forms have been renumbered to be part of a comprehensive 200 series. In the proofs of service forms, the titles and form numbers of the documents served have been modified as necessary. The information forms have been revised to refer to the renumbered forms; they also describe and reference the new forms for requesting reissuances and continuances. Stylistic and formatting changes have been made to some of the forms so that they are consistent with one another.

In addition, a series of new forms numbered 260 have been developed for use if service of the order after hearing by mail is authorized.

Requests to renew restraining orders, notices of hearings to renew restraining orders, responses to requests to renew restraining orders, and orders renewing restraining orders (forms CH-700, CH-710, CH-720, CH-730, EA-700, EA-710, EA-720, EA-730, SV-700, SV-710, SV-720, SV-730, WV-700, WV-710, WV-720, and WV-730)

New forms have been created to provide litigants and the courts with a comprehensive set of forms for use in requesting, opposing, or issuing orders regarding the renewal of protective orders. These forms have been designated as a 700 series of forms. It is anticipated that these new forms will be helpful to both litigants and the courts.

Proofs of firearms turned in or sold (forms CH-800, CH-800-INFO, EA-800, EA-800-INFO, SV-800, SV-800-INFO, WV-800, and WV-800-INFO)

The forms for use in turning in or selling firearms have been renumbered to be in an 800 series. Also, for every type of protective order, a new form on “How Do I Turn in or Sell My Firearm?” has been added. These information forms are based on DV-810.

Attachments:

1. Charts showing proposed changes to forms used to prevent civil harassment, elder or dependent adult abuse, workplace violence, and private postsecondary school violence.
2. Copies of revised, revised and renumbered, adopted, or revoked forms.

Charts on Current and Proposed Forms

Civil Harassment (CH) Prevention Forms		
Title (titles that have been revised are in red)	Proposed #	Current #
Request for Orders to Stop Harassment	CH-100	CH-100
Can a Civil Harassment Restraining Order Help Me?	CH-100- INFO	CH-150
Confidential CLETS Information	CH-102	DV-260/ CH-102/ EA-102/ JV-248
Notice of Court Hearing	CH-109	CH-120
Temporary Restraining Order (CLETS)	CH-110	CH-120
Request for Continuance and to Reissue Temporary Restraining Order	CH-115	CH-125
Order On Request for Continuance and Reissuance and Notice of New Hearing Date	CH-116	NONE
Response to Request for Orders to Stop Harassment	CH-120	CH-110
How Can I Respond to a Request for Orders to Stop Harassment?	CH-120- INFO	CH-151
Restraining Order After Hearing to Stop Harassment	CH-130	CH-140
Proof of Personal Service	CH-200	CH-130
What is “Proof of Personal Service?”	CH-200- INFO	CH-135
Proof of Service of Response by Mail	CH-250	CH-131
Proof of Service of Order After Hearing by Mail	CH-260	NONE
Request to Renew Restraining Order	CH-700	NONE
Notice of Hearing to Renew Restraining Order	CH-710	NONE
Response to Request to Renew Restraining Order	CH-720	NONE
Order on Request to Renew Restraining Order to Stop Harassment	CH-730	NONE
Proof of Firearms Turned In or Sold	CH-800	CH-145
How Do I Turn In or Sell My Firearms?	CH-800- INFO	NONE

Elder and Dependent Adult Abuse (EA) Prevention Forms		
Title (titles that have been revised are in red)	Proposed #	Current #
Request for Orders to Stop Elder or Dependent Adult Abuse	EA-100	EA-100
Can a Civil Elder or Dependent Adult Abuse Restraining Order Help Me?	EA-100-INFO	EA-150-INFO
Confidential CLETS Information	EA-102	DV-260/CH-102/EA-102/JV-248
Notice of Court Hearing	EA-109	EA-120
Temporary Restraining Order (CLETS-TEA or TEF)	EA-110	EA-120
Request for Continuance and to Reissue Temporary Restraining Order	EA-115	EA-125
Order on Request for Continuance and Reissuance and Notice of New Hearing Date	EA-116	NONE
Response to Request for Orders to Stop Elder or Dependent Adult Abuse	EA-120	EA-110
How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?	EA-120-INFO	EA-151-INFO
Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse	EA-130	EA-130
Proof of Personal Service	EA-200	EA-140
What is "Proof of Personal Service?"	EA-200-INFO	EA-142-INFO
Proof of Service of Response by Mail	EA-250	EA-141
Proof of Service of Order After Hearing by Mail	EA-260	NONE
Request to Renew Restraining Order	EA-700	NONE
Notice of Hearing to Renew Restraining Order	EA-710	NONE
Response to Request to Renew Restraining Order	EA-720	NONE
Order on Request to Renew Restraining Order to Stop Elder or Dependent Adult Abuse	EA-730	NONE
Proof of Firearms Turned In or Sold	EA-800	EA-145
How Do I Turn In or Sell My Firearms?	EA-800-INFO	NONE

Private Postsecondary School Violence (SV) Prevention Forms		
Petition for Orders to Stop Private Postsecondary School Violence	SV-100	Revised for AB 1596
How Do I Get an Order to Prohibit Private Postsecondary School Violence?	SV-100-INFO	Revised for AB 1596
Confidential CLETS Information	SV-102	Revisions proposed, not required by AB 1596
Notice of Court Hearing	SV-109	Revised for AB 1596
Temporary Restraining Order	SV-110	Revised for AB 1596
Request for Continuance and to Reissue Temporary Restraining Order	SV-115	New
Order on Request for Continuance and Reissuance and Notice of New Hearing Date	SV-116	New
Response to Petition for Orders to Stop Private Postsecondary School Violence	SV-120	No revisions proposed
How Can I Respond to a Request for Orders to Stop Private Postsecondary School Violence?	SV-120-INFO	Revised for AB 1596
Restraining Order After Hearing to Stop Private Postsecondary School Violence	SV-130	Revised for AB 1596
Proof of Personal Service	SV-200	No revisions proposed
What is "Proof of Personal Service?"	SV-200-INFO	Revised for AB 1596
Proof of Service of Response by Mail	SV-250	No revisions proposed
Proof of Service of Order After Hearing by Mail	SV-260	New
Request to Renew Restraining Order	SV-700	New
Notice of Hearing to Renew Restraining Order	SV-710	New
Response to Request to Renew Restraining Order	SV-720	New
Order on Request to Renew Restraining Order to Stop Private Postsecondary School Violence	SV-730	New
Proof of Firearms Turned In or Sold	SV-800	No revisions proposed
How Do I Turn In or Sell My Firearms?	SV-800-INFO	New

Workplace Violence (WV) Prevention Forms		
Title	Number	Revision
Petition for Orders to Stop Workplace Violence	WV-100	Revised for AB 1596
How Do I Get an Order to Prohibit Workplace Violence?	WV-100-INFO	Revised for AB 1596
Confidential CLETS Information	WV-102	Revisions proposed but not required by AB 1596
Notice of Court Hearing	WV-109	Revised for AB 1596
Temporary Restraining Order	WV-110	Revised for AB 1596
Request for Continuance and to Reissue Temporary Restraining Order	WV-115	New
Order on Request for Continuance and Reissuance and Notice of New Hearing Date	WV-116	New
Response to Petition for Orders to Stop Workplace Violence	WV-120	No revisions proposed
How Can I Respond to a Request for Orders to Stop Workplace Violence?	WV-120-INFO	Revised for AB 1596
Restraining Order After Hearing to Stop Workplace Violence	WV-130	Revised for AB 1596
Proof of Personal Service	WV-200	No revisions proposed
What is "Proof of Personal Service?"	WV-200-INFO	Revised for AB 1596
Proof of Service of Response by Mail	WV-250	No revisions proposed
Proof of Service of Order After Hearing by Mail	WV-260	New
Request to Renew Restraining Order	WV-700	New
Notice of Hearing to Renew Restraining Order	WV-710	New
Response to Request to Renew Restraining Order	WV-720	New
Order on Request to Renew Restraining Order to Stop Workplace Violence	WV-730	New
Proof of Firearms Turned In or Sold	WV-800	No revisions proposed
How Do I Turn In or Sell My Firearms?	WV-800-INFO	New

Read Can a Restraining Order to Prevent Civil Harassment Help Me? (Form CH-100-INFO) before completing this form. Also fill out Form CH-102, Confidential CLETS Information, with as much information as you know.

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Person Seeking Protection

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax No: _____

E-Mail Address: _____

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? If yes, list those persons:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use Form MC-025, Attachment.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.



4 Relationship of Parties

How do you know the person in (2) ? (Explain below):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

5 Venue

Why are you filing in this county? (Check all that apply):

- a. The person in (2) lives in this county.
- b. I was harassed by the person in (2) this county.
- c. Other (specify): _____

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

- No Yes If yes, check each kind of case and indicate where and when each was filed:

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify):	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? Yes No If yes, attach a copy if you have one.

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

- (1) When did it happen? (provide date or estimated date): _____
- (2) Who else was there? _____

This is not a Court Order.



(3) How did the person in (2) harass you? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

(6) Did the police come? Yes No

If yes, did they give you or the person in (2) an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

a. Me b. The person in (2) c. The persons in (3)

Attach a copy of the order if you have one.

b. Has the person in (2) harassed you at other times?

Yes No (If yes, describe prior incidents of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.



Check the orders you want

8 **Personal Conduct Orders**

I ask the court to order the person in **(2)** **not** to do any of the following things to me or to any person to be protected listed in **(3)**:

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- c. Take any action to obtain the person's address or location.
- d. Other *specify*: _____

9 **Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least _____ yards away from me and each from other person to be protected listed in **(3)**, and from the places listed below (*Check all that apply*):

- | | |
|--|---|
| <input type="checkbox"/> My residence | <input type="checkbox"/> The residences of the other persons to be protected |
| <input type="checkbox"/> My job or workplace | <input type="checkbox"/> The jobs or workplaces of the other persons to be protected |
| <input type="checkbox"/> My school or place of child care of my children | <input type="checkbox"/> The schools or places of child care of the other persons to be protected |
| <input type="checkbox"/> My vehicle | <input type="checkbox"/> The vehicles of the other persons to be protected |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |

- b. If the court orders the person in **(2)** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (*If no, explain below*):
- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.*

10 **Firearms Prohibition and Relinquishment**

*If the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.*

Does the person in **(2)** own or possess any guns or other firearms? Yes No I don't know

This is not a Court Order.



11 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? Yes No *If you answered yes, explain why below):*

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11—Immediate Orders" for a title.

12 Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains "What Is Proof of Personal Service?" Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 12—Request to Give Less Than Five-Days Notice" for a title.

13 No Fee for Filing or Service

- a. There should be no filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. The sheriff or marshal should serve (notify) the person in ② about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should serve the person in ② for free because I am entitled to a fee waiver. *(You must complete and file Form FW-001, Application for Waiver of Court Fees and Costs.)*

14 Lawyer's Fees and Costs

I ask the court to order payment of my: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.



15 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Additional Orders Requested," for a title.

16 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

This is not a Court Order.

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

What is a Civil Harassment Restraining Order?

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

Can I get a Civil Harassment Restraining Order?

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

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

How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, *and*
- Not have a gun

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

In a Civil Harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File Form DV-100.

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

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

What forms do I need to get the order?

You must fill out all of Form CH-100, *Request for Orders to Stop Harassment*, and Form CH-102, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025. You must also fill out items 1 and 2 on Form CH-109 Attachment, *Notice of Court Hearing*, and items 1, 2, and 3 on Form CH-110, *Temporary Restraining Order (CLETS)*.

Where can I get these forms?

You can get the forms at any courthouse or county law library, from legal publishers, or at www.courts.ca.gov/forms.

What do I need to do to get the order?

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

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

How soon can I get the order?

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

How long does the order last?

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

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

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



What if the restrained person does not obey the order?

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

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

Do I have to go to court?

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

Do I need a lawyer?

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

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

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

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, Declaration for this.)

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is not listed as a person to be protected on your Request and who is over age 18 to interpret for you.

CH-100 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection
 Your Full Name: _____ Age: _____
 Your Lawyer (if you have one):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone No.: _____ Fax No.: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____

Fill in case number:
 Case Number: _____

2 Person You Want Protection From
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.
To The Person in 2:

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date: _____
 Dept.: _____ Name and address of court if different from above:
 Time: _____
 Room: _____

If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Order to Stop Harassment*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.

This is a Court Order.
 Notice of Court Hearing
 (Civil Harassment Prevention)

Judicial Council of California, www.courts.ca.gov
 New January 1, 2012 Mandatory Form
 Code Civ. Proc., § 527.8 Approved by DOJ

CH-100, Page 1 of 3



What if I am deaf or hard of hearing?

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

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so that they will know about your order.

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

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

For help in your area, contact:

[Local information may be inserted.]

CH-102

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.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

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: _____

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

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

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

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Person Seeking Protection

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.

To the Person in 2:

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date →	Date: _____	Name and address of court if different from above:
	Dept.: _____	_____
	Time: _____	_____
	Room: _____	_____

If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Orders to Stop Harassment*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. **At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.**

This is a Court Order



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

a. Temporary Restraining Orders as requested in Form CH-100, *Request for Orders to Stop Harassment*, are (check only one box below):

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

b. Reasons for denial of all or some Temporary Restraining Orders as requested in Form CH-100, *Request for Orders to Stop Harassment*, are:

- (1) The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ② and caused substantial emotional distress.
- (2) Other (specify): As set forth on Attachment 4b.

5 Service of Documents and Time for Service

To the Person in ①:

At least _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form to the person in ②, along with a copy of all the forms indicated below:

- a. CH-100, *Request for Orders to Stop Harassment* (filed-stamped)
- b. CH-110, *Temporary Restraining Order (CLETS)* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Orders to Stop Harassment* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Orders to Stop Harassment?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. Other (specify): _____

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read Form CH-200-INFO, *What is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use Form CH-115, *Request for Continuance and to Reissue Temporary Restraining Order*.

This is a Court Order.



To the Person in ② :

- For information about responding to a restraining order and filing your response, read Form CH-120- INFO, *How Can I Respond to a Request for Orders to Stop Harassment?*.
- If you want to respond in writing, complete Form CH-120, *Response to Request for Orders to Stop Harassment*, and file it with the court. A copy must be mailed to the person in ① **at least _____ days before the hearing.** You cannot mail Form CH-120 yourself. Someone else age 18 or older must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail* may be used. File the completed form with the court before the hearing and bring it with you to the court hearing.

Date: _____

Judicial Officer



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk’s Certificate—

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

Clerk’s Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

This is a Court Order

Clerk stamps date here when form is filed.

**DRAFT 16 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

Your Full Name: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

② Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home address (if known): _____

City: _____ State: _____ Zip: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Protected Person</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order

To the Person in ② :

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

⑤ Personal Conduct Orders Not Requested Denied Granted as Follows:

- a. You must **not** do the following things to the person named in ①
 and to the other protected persons listed in ③:
- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item 3 is not checked, the court has found good cause not to make this order.
 - (4) Other (*specify*): _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

⑥ Stay-Away Order Not Requested Denied Granted as Follows:

- a. You must stay at least _____ yards away from the person in ②
 and from each other protected person listed in ③, and from the places listed below (*check all that apply*):
- | | |
|---|---|
| <input type="checkbox"/> The residence of the person in ① | <input type="checkbox"/> The residences of the other protected persons |
| <input type="checkbox"/> The job or workplace of the person in ① | <input type="checkbox"/> The jobs or workplaces of the other protected persons |
| <input type="checkbox"/> The school or place of child care of the children of the person in ① | <input type="checkbox"/> The schools or places of child care of the other protected persons’ children |
| <input type="checkbox"/> The vehicle of the person in ① | <input type="checkbox"/> The vehicles of the other protected persons |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

⑦ Firearms Prohibition and Relinquishment

- 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:
- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (*You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possess a firearm.

This is a Court Order



8 Other Orders (specify): Not Requested Denied Granted as Follows:

Additional orders are attached at the end of this Order on Attachment 8.

9 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 9.

10 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

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

11 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 7 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

This is a Court Order



Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form CH-120-INFO, *How Can I Respond to a Request for Orders to Stop Harassment?*, to learn how to respond to this Order.
- If you want to respond, fill out Form CH-120, *Response to Request for Orders to Stop Harassment*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have Form CH-120 served on the person in ① or that person's attorney. Serve it by mail within the time given in item ⑤ of Form CH-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the mailing should complete and sign Form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 4 on page 1.

This is a Court Order

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

1 Person Seeking Protection

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):
Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____ and to reissue the attached *Temporary Restraining Order* (Form CH-110).

a. The attached order was issued on (date): _____ without notice to the person in 2

b. I could not get the order served before the hearing date for the reasons stated:

below on Form MC-025, *Attachment*

c. This is the first request to reissue the Order.

The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Order On Request for Continuance and Reissuance and Notice of New Hearing Date

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Person Asking for Protection

Name: _____

Lawyer for Person Asking for Protection (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____

3 Current Hearing

A hearing in this case is currently set for (date) _____ at (time) _____ .

4 Request for New Hearing Date

a. A new hearing date was requested by:

- (1) The person asking for protection
- (2) The person from whom protection is sought

b. Because:

- (1) The person from whom protection is sought could not be served before the current hearing date.
- (2) The parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) For the reasons stated below on the attached page.

5 Reissuance of Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
- b. The request to reissue temporary restraining order is **DENIED**.
- c. The request to reissue temporary restraining order is **GRANTED**.
The attached *Temporary Restraining Order* (Form CH-110) is reissued.

6 Expiration Date

The attached *Temporary Restraining Order* expires at the end of the hearing now scheduled for:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

Warning and Notice to the Person in ②

You must continue to obey the attached Temporary Restraining Order until the hearing.

7 Order for Continuance and Notice of Hearing

The court hearing on the *Request for Orders to Stop Harassment (Form CH-100)* is continued and rescheduled:

Clerk will fill out section below.

<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> New Hearing Date </div>	Date: _____	Time: _____	_____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	_____	

- a. A copy of this Order must be served on the person in ② at least ___ days before the hearing, along with the other documents requesting orders to stop workplace violence. If reissuance is denied in item 5b on page 1, a copy of the *Temporary Restraining Order* (form CH-110) must NOT be attached and served.
- b. No further service of this Order is required because both parties were present at the initial hearing date (in item ③), and both were given a signed copy of this Order.

8 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 5c is checked), this Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in ① or that person’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

- Additional law enforcement agencies are listed at the end of this Order in Attachment 8.

This is a Court Order.



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

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

Date: _____

Judicial Officer



Requests for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 15 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

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

- Read Form CH-120-INFO, *How Can I Respond to a Request for Orders to Stop Harassment?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have the person in ① or his or her lawyer served by mail with a copy of this form and any attached pages. (See Form CH-250, Proof of Service of Response by Mail.)

① Person Seeking Protection

Name of person requesting a protective order (see Form CH-100, item ①):

Fill in court name and street address:

Superior Court of California, County of

② Person From Whom Protection Is Sought

Your Name: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in case number:

Case Number:

Present your response and any opposition at the hearing. Write your hearing date, time, and place from Form CH-109 item ③ here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.

③ Personal Conduct Orders

- a. I agree to the order requested.
- b. I do not agree to the order requested.
- c. I agree to the following order (specify):

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify):

⑤ Firearms Prohibition and Relinquishment

If you were served with Form CH-110, Temporary Restraining Order, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form CH-110. (See item ⑦ of Form CH-110.) You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.



9 **No Fee for Filing**

I request that I not be required to pay the filing fee because the person in **1** claims in Form CH-100 item **13** to be entitled to free filing.

10 **Lawyer's Fees and Costs**

a. I ask the court to order payment of my Lawyer's fees Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 10—Lawyer's Fees and Costs" for a title.

b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

11 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop harassment:

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (check a or b):

- a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.



Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ **Personal Conduct Orders**

You must **not** do the following things to the people listed in ① and ⑩:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ **Stay-Away Order**

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑩
- c. The home of the persons in ① and ⑩
- d. Jobs or workplaces of the persons in ① and ⑩
- e. Vehicle of person in ①
- f. The protected children's school or child care
- g. Other (specify): _____
- Vehicles of persons in ⑩

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 Form CH-145 for this.)

⑨ **Other Orders** (specify): _____

This is a Court Order.



Your name: _____

10 **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): _____

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

_____	_____
_____	_____
_____	_____

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 **No Fee for Filing**

Filing fees are waived.

This is a Court Order.



Your name: _____

15 **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on stalking.
- b. The Order is based on a credible threat of violence.
- c. The person in ① is entitled to a fee waiver.

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this 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 police any guns or firearms that you have or control in accordance with item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere 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 the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
 [seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

CH-120-INFO

How Can I Respond to a Request for Orders to Stop Harassment?

What is a civil harassment protective order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person’s home and workplace
- Not have any guns as long as the order is in effect

Who can ask for a civil harassment protective order?

A person who is worried about safety because he or she has been or is being:

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

I've been served with a petition to stop harassment. What do I do now?

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

What if I don't obey the order?

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

What if I do not agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form CH-120, *Response to Request for Orders to Stop Harassment*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk’s office or county law library, from legal publishers, or on the California Courts website: www.courts.ca.gov/forms.

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

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

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

Should I go to the court hearing?

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

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection
 Your Full Name: _____ Age: _____
 Your Lawyer (if you have one):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone No.: _____ Fax No.: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____
 Fill in case number:
 Case Number: _____

2 Person You Want Protection From
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.
To The Person in 2:

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date → Date: _____ Dept.: _____ Name and address of court if different from above: _____
 Time: _____
 Room: _____

If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Orders to Stop Harassment*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms that you own or possess.

This is a Court Order.
 Notice of Court Hearing (Civil Harassment Prevention)

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code Civ. Proc., § 527.8 Approved by DOJ

CH-109, Page 1 of 3



How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

What if I am deaf or hard of hearing?**Request for Accommodations**

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 10 or older to interpret for you.

What if I have a gun?

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

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

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

For help in your area, contact:

[Local information may be inserted]

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

Your Full Name: _____

Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of the person named in ① are protected by the orders indicated below:

Full Name

Sex

Age

Lives with you?

How are they related to you?

_____ Yes No _____

_____ Yes No _____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order.



5 Hearing

- a. There was a hearing on (date): _____ at (time): _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The person in ① (3) The lawyer for the person in ① (name): _____
 - (2) The person in ② (4) The lawyer for the person in ② (name): _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ② :

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must **not** do the following things to the person named in ①
 and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item is not checked, the court has found good cause not to make this order.
 - (4) Other (specify): _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Orders

- a. You must stay at least _____ yards away from the person in ① and from each other protected person in ③, and from the places listed below (check all that apply):

<input type="checkbox"/> The residence of the person in ①	<input type="checkbox"/> The residences of the other protected persons
<input type="checkbox"/> The job or workplace of the person in ①	<input type="checkbox"/> The jobs or workplaces of the other protected persons
<input type="checkbox"/> The school or place of child care of the children of the person in ①	<input type="checkbox"/> The schools or places of child care of the children of the other protected persons
<input type="checkbox"/> The vehicle of the person in ①	<input type="checkbox"/> The vehicles of the other protected persons
<input type="checkbox"/> Other (specify): _____	
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

8 Firearms Prohibition and Relinquishment

- 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. If you have not already done so, you must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. *(You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.)*
- c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

You must pay to the person in ① the following amounts for: a. Lawyer fees b. Court costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 10.

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 11.

This is a Court Order.

12 Service of Order on Restrained Person

- a. Both the person in ① and the person in ② attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
- (1) Proof of service of Form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
- (2) The judge's orders in this form are different from the temporary restraining orders in Form CH-110. Someone—but not the person in ① or anyone protected by this Order—must personally serve a copy of this Order on the person in ②.

13 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

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

14 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warning and Notice to the Restrained Person in ②**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

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

This is a Court Order.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Clerk’s Certificate
[seal]

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

I certify that this *Restraining Order After Hearing to Stop Harassment* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Person Seeking Protection

Name: _____

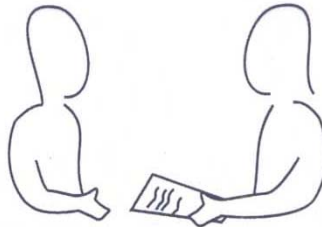
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

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



PROOF OF PERSONAL SERVICE

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

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

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

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

6 Server's Information

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

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The *Request for Orders to Stop Civil Harassment* (Form CH-100), the *Notice of Court Hearing* (Form CH-109), and the *Temporary Restraining Order* (Form CH-110) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court’s orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence, or if you are entitled to a fee waiver.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on Form CH-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

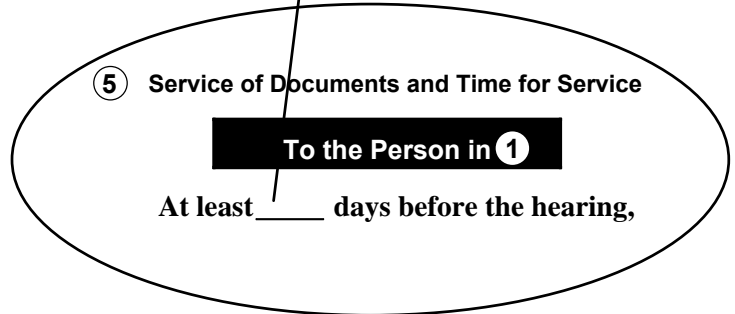
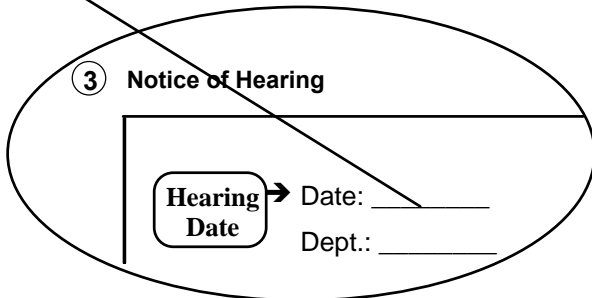
- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form CH-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form CH-109.

Next, look at the number of days written in item ⑤ on page 2 of Form CH-109.



Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑤ you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form CH-200 *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make at least five copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form CH-110) and *Proof of Personal Service* (Form CH-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form CH-115, *Request for Continuance and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form CH-116, *Order on Request for Continuance and Reissuance and Notice of New Hearing Date*, to a copy of your original orders. Ask the clerk to enter CH-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

**DRAFT 7 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

1 Person Seeking Protection

Name: _____

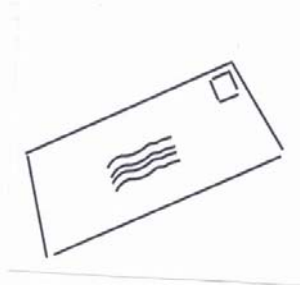
2 Person From Whom Protection Is Sought

Your Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older
- Be a resident or employed in the county where the mailing took place
- Not be the person listed in items 2 or
- Mail a copy of all documents checked in 4 to the person in 1
- Complete and sign this form and give it to the person in 2



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and not a party to this proceeding. I am a resident or employed in the county where the mailing took place. I mailed the person in a cc 1 of all documents checked below:

a. Form CH-120, *Response to Request for Orders to Stop Harassment*

b. Other (*specify*): _____

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

a. Mailed from: City: _____ State: _____

b. On (*date*): _____

c. To this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

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

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

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

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

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

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

5 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Your Full Name: _____

Age: _____

Your Lawyer (if you have one): _____

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Restrained Person

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Request to Renew Restraining Order

I ask the court to renew the *Restraining Order After Hearing to Stop Harassment* (Form CH-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times already.

c. I want the order to be renewed for three years other (specify): _____

d. I ask the court to renew the order because (explain below):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3d—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Restrained Person

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining orders stay in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date →	Date: _____ Time: _____
	Dept.: _____ Room: _____

4 Service and Response

To the Protected Person

Someone age 18 or older—not you or anyone else protected by the restraining order—must personally “serve” a copy of the following forms on the restrained person at least _____ days before the hearing.

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

This is a Court Order.



After the restrained person has been served, file Form CH-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form CH-200-INFO, *What Is "Proof of Personal Service"?*

To the Restrained Person:

If you wish to make a written response to the request to renew the restraining order, you may fill out Form CH-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the protected person at the address in ① least _____ days before the hearing. Also file Form CH-250, *Proof of Service of Response by Mail*, with the court before the hearing.

At the hearing, the judge can renew the current restraining orders for up to another three years. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge if you do not want the orders against you renewed. If the restraining orders are renewed, you *must* obey those orders even if you do not attend the hearing.

Date: _____

Judicial Officer



Requests for Accommodations

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

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 7 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Use this form to respond to the *Request to Renew Restraining Order* (Form CH-700).

- Fill out this form and then take it to the court clerk.
- Have the protected person served by mail with a copy of this form and any attached pages (*see Form CH-250, Proof of Service of Response by Mail*).

1 Protected Person (*Form CH-700, item 1*)

Name: _____

2 Restrained Person

Your Full Name: _____ Age: _____

Your Lawyer (*if you have one*):
Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 Response

- a. I agree to extend the order.
- b. I do not agree to extend the order.
- c. I agree to the following order instead (*specify below*):
 Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title.

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form CH-710 item ③ here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

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

Case Number:

Date: _____

Lawyer's name, if you have one

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Restrained Person

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

- a. The protected person c. The lawyer for the protected person (name): _____
- b. The restrained person d. The lawyer for the restrained person (name): _____
- Additional persons present are listed on Form MC-025, Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Restraining Order After Hearing to Stop Harassment*, originally issued on (date) _____, is:

- a. **DENIED.** The attached order expires as stated in item ③ of the order.
- b. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item ③, above.

Date: _____

Judicial Officer

This is a Court Order

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Person

Name: _____

2 Restrained Person

Your Full Name: _____ Age: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself.

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in 6 were sold to me on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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

▶ _____
Signature of licensed gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-800, Item 6—Firearms Turned In or Sold" for a title. Include make, model, and serial number of each firearm.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? Yes No

If you answered yes, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____.

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7c" for a title.

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

Date: _____

Type or print your name

Sign your name

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- 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?

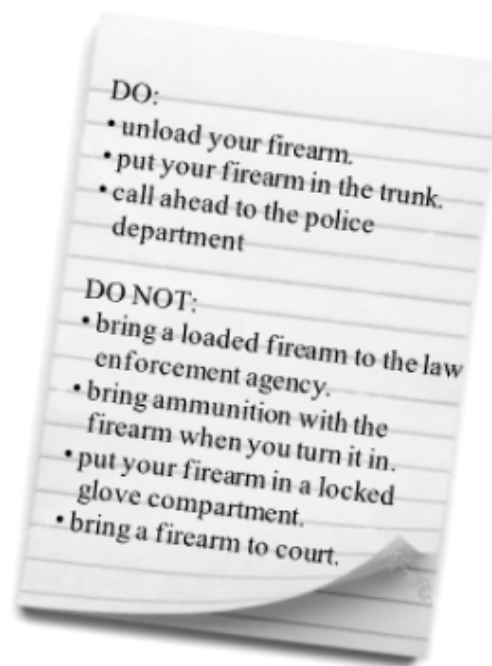
You may have to pay the agency for keeping your firearm.

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)



Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

Read Can an Order to Prevent Elder or Dependent Adult Abuse Help Me? (Form EA-100-INFO) before completing this form. Also fill out Form EA-102, Confidential CLETS Information, with as much information as you know.

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Sex: M F Age: _____**2 Person You Want Protection From**

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Person Requesting Order

Who is asking the court for protection? (Check a, b, or c):

a. The elder or dependent adult named in **1**.b. Name: _____conservator of the person estate person and estate
of the person named in **1**, appointed by (court): _____

Case No.: _____

c. Other (name): _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use Form MC-025, Attachment.)

4 Contact Information

Contact information for the person asking the court for protection:

Your Lawyer (if you have one):

Name: _____ State Bar No: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you **do** not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. The person in **1** does not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax No: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

This is not a Court Order

5 Description of Protected Person

Describe the person named in ①. (Check a or b):

- a. Is age 65 or older and a resident of California.
- b. Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Describe limitations on the attached sheet of paper or Form MC-025. Write "Attachment 5—Description of Protected Person" for a title.)

6 Additional Protected Persons

a. Are you asking for protection for any other family or household members or the conservator of the elder or dependent adult listed in ①? If yes, list those persons:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Lives with you?</u>	<u>How are they related to you?</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are more persons. Provide the above information for each one on the attached sheet of paper or MC-025. Write "Attachment 6a—Additional Protected Persons" for a title.

b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

7 Relationship of Parties

How does the person in ① know the person in ②? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

8 Venue

Why are you filing in this county? (check all that apply):

- a. The person in ② lives in this county.
- b. The person in ① was abused by the person in ② in this county.
- c. Other (specify): _____

This is not a Court Order

Request for Orders to Stop Elder or Dependent Adult Abuse
(Elder or Dependent Adult Abuse Prevention)



9 Other Court Cases

a. Has the person in ① or any of the persons named in ⑥ been involved in another court case with the person in ②? No Yes *(If yes, specify the kind of each case and indicate where and when each was filed:)*

<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/> Other Family Law <i>(specify):</i> _____	_____	_____	_____
(5) <input type="checkbox"/> Eviction	_____	_____	_____
(6) <input type="checkbox"/> Guardianship	_____	_____	_____
(7) <input type="checkbox"/> Criminal	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10) <input type="checkbox"/> Other <i>(specify):</i> _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the person in ① or any of the persons named in ⑥ and the person in ②? No Yes *If yes, attach a copy of each order you have.*

10 Description of Abuse

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in ② abused the person in ①.

(1) When did it happen? *(provide date or estimated date):* _____

(2) Who else was there?

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 1-b(3)—Describe Abuse" for a title.

(4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse. No, the abuse included other forms of abuse described above.

This is not a Court Order

(5) Did the person in ② use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(5)—Use of Weapons" for a title.

(6) Was the person in ① harmed or injured as a result of the acts of abuse described above?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(6)—Harm or Injury" for a title.

(7) Did the police come? Yes No

If yes, did they give the person in ① or the person in ② an Emergency Protective Order? Yes No

If yes: The order protects (check all that apply):

a. The person in ① b. The person in ② c. The persons in ⑥

Attach a copy of the order if you have one.

c. Is the person in ② a care custodian who deprived the person in ① of (kept from him or her, did not allow him or her to have or receive, or did not provide him or her with) goods or services that the person needed to avoid physical harm or mental suffering?

Yes No (If yes, describe below what the person was deprived of and how that affected him or her):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10c—Deprivation by Care Custodian" for a title.

d. Has the person in ② abused you on other times?

Yes No (If yes, describe prior incidents of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10d—Previous Abuse" for a title.

This is not a Court Order



Check the orders you want

11 **Personal Conduct Orders**

I ask the court to order the person in **(2)** **not** to do the following things to the person in **(1)** or to anyone to be protected listed in **(6)**:

- a. Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b. Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- c. Take any action to obtain the person’s address or location.
- d. Other *specify*): _____

12 **Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least _____ yards away from the person in **(1)** and from each other person to be protected listed in **(6)**, and from the places listed below (*Check all that apply*):

- | | |
|--|--|
| <input type="checkbox"/> The residence of the person in (1) | <input type="checkbox"/> The residences of the other persons to be protected |
| <input type="checkbox"/> The job or workplace of the person in (1) | <input type="checkbox"/> The jobs or workplaces of the other persons to be protected |
| <input type="checkbox"/> The vehicle of the person in (1) | <input type="checkbox"/> The vehicles of the other persons to be protected |
| <input type="checkbox"/> Other (<i>specify</i>): _____

_____ | |

b. If the court orders the person in **(2)** to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (*If no, explain below*):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write “Attachment 12b—Stay-Away Orders,” for a title.*

13 **Move-Out Order**

I ask the court to order the person in **(2)** to move out from and not return to the residence at (*address*):

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The title or lease to the residence is not in the sole name of the person in **(2)** to be excluded or in the names of that person and one or more additional persons.

This is not a Court Order



- I ask for this move-out order right away to last until the hearing, because:
 - a. The person in ② assaulted or threatened the person in ①; and
 - b. The person in ① has the right to live at the above residence (*Explain below*):
- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 13—My Right to Residence," for a title.

14 Firearms Prohibition and Relinquishment

Unless the abuse is only financial, if the judge grants a protective order, the person in ② will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in ② will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

Does the person in ② own or possess any guns or other firearms? Yes No I don't know

15 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? Yes No (*If you answered yes, explain why below*):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Immediate Orders" for a title.

16 Request to Give Less Than Five Days' Notice

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (*Form EA-200-INFO explains "What Is Proof of Personal Service?" Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.*)

If you want there to be fewer than five days between service and the hearing, explain why below:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 16—Request to Give Less Than Five-Days Notice" for a title.

This is not a Court Order

17) No Fee to Serve Orders *If you want the sheriff or marshal to serve (notify) the person in 2) about the orders for free, ask the court clerk what you need to do.*

18) Lawyer's Fees and Costs

I ask the court to order payment of my: a. Lawyer's fees b. Court costs

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 16—Lawyer's Fees and Costs" for a title.

19) Additional Orders Requested

I ask the court to make the following additional orders (*specify below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 19—Additional Orders Requested," for a title.

20) Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Name of person filing this request

▶ _____
Signature of person filing this request

This is not a Court Order

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

What is a Restraining Order?

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

Can I get a Restraining Order?

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

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

How will the order help me?

The court can order a person to:

- Not abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have a gun

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

What forms do I need to get the order?

You must fill out all of Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, and Form EA-102, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025, Attachment. You must also fill out items 1 and 2 on Form EA-109, *Notice of Court Hearing*, and items 1, 2, and 3 on Form EA-110, *Temporary Restraining Order*.

Where can I get these forms?

You can get the forms at any courthouse or county law library, from legal publishers, or at www.courts.ca.gov.

What do I need to do to get the order?

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

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

How soon can I get the order?

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

How long does the order last?

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

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

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

What if the restrained person does not obey the order?

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



How much does it cost?

There is no fee for filing a request for a restraining order.

You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

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

Do I have to go to court?

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

Do I need a lawyer?

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

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

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

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030 for this.)

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, you should ask someone who is not listed as a person to be protected on your Request and who is over age 18 to interpret for you.

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection
 Full Name: _____
 Person requesting protection for the elder or dependent adult, if different (person named in item 2 of Form EA-100):
 Full Name: _____
 Lawyer for person named above (if any):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____
 Court files in case number when form is filed.
 Case Number: _____

2 Person You Want Protection From
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.
To The Person in 2

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop abuse:
 Name and address of court if different from above:

Hearing Date	Date: _____	Time: _____
	Dept.: _____	Room: _____

 If you want to respond to the request for orders in writing, file Form EA-120, Response to Request for Order to Stop Elder or Dependent Adult Abuse. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining order against you that could last up to five years and may order you to sell or turn in any firearms that you own or possess.

This is a Court Order
 Notice of Court Hearing
 (Elder or Dependent Adult Abuse Protection)

Judicial Council of California, www.courtinfo.ca.gov
 New January 1, 2012, Mandatory Form
 Welfare & Institutions Code, § 15671.05
 Approved by DCLJ

EA-109, Page 1 of 3



What if I am deaf or hard of hearing?

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

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so that they will know about your orders.

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

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

For help in your area, contact:

[Local information may be inserted.]

EA-102

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.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

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: _____
 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

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

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

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.

To The Person in 2

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____ _____
	Dept.: _____	Room: _____	

If you want to respond to the request for orders in writing, file Form EA-120, *Response to Request for Order to Stop Elder or Dependent Adult Abuse*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. **At the hearing, the court may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms that you own or possess.**

This is a Court Order

**Notice of Court Hearing
(Elder or Dependent Adult Abuse Protection)**



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

- a. Temporary Restraining Orders as requested in Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, are (check only one box below):
- (1) All **GRANTED** until the court hearing.
 - (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
 - (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- b. Reasons for denial of all or some Temporary Restraining Orders as requested in Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*, are:
- (1) The facts as stated in Form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in **(2)**.
 - (2) Other (specify): As stated on Attachment 4b.

5 Service of Documents and Time for Service

To The Person in **(1):**

At least ____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form to the person in **(2)**, along with a copy of all the forms indicated below:

- a. EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (filed-stamped)
- b. EA-110, *Temporary Restraining Order (CLETS)* (file-stamped) **IF GRANTED**
- c. EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- d. EA-250, *Proof of Service of Response by Mail* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- f. Other (specify): _____

- The court cannot make the restraining orders after the court hearing unless the person in **(2)** has been personally given (served) a copy of your request and any temporary orders. To show that the person in **(2)** has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read Form EA-200-INFO, *What is “Proof of Personal Service”?*
- If you are unable to serve the person in **(2)** in time, you may ask for more time to serve the documents. Use Form EA-115, *Request for Continuance and to Reissue Temporary Restraining Order*.

This is a Court Order



To The Person in ②:

- For information about responding to a restraining order, read Form EA-120- INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*.
- If you want to respond in writing, complete Form EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*, and file it with the court. A copy must be mailed to the person in ① **at least _____ days before the hearing**. You cannot mail Form EA-120 yourself. Someone else age 18 or older must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail* may be used. File the completed form with the court before the hearing and bring it with you to the court hearing.

Date: _____

Judicial Officer



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk’s Certificate—

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

Clerk’s Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

This is a Court Order

Clerk stamps date here when form is filed.

**DRAFT 14 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Person in ① must complete items ①, ② and ③ only.

① Protected Elder or Dependent Adult

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item ③ of Form EA-100):

Full Name: _____

Lawyer for person named above (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home address (if known): _____

City: _____ State: _____ Zip: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Protected Person</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order



To the Person in ②:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders Not Requested Denied Granted as Follows:

- a. You must **not** do the following things to the elder or dependent adult named in ①
 and to the other protected persons listed in ③:
- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item 3 is not checked, the court has found good cause not to make this order.
 - (4) Other *specify*): _____
-
- b. Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

6 Stay-Away Orders Not Requested Denied Granted as Follows:

- a. You **must** stay at least _____ yards away from the elder or dependent adult named in ①
 and from each other protected person listed in ③, and from the places listed below (*check all that apply*):
- The residence of the elder or dependent adult The residences of the other protected persons
 - The job or workplace of the elder or dependent adult The jobs or workplaces of the other protected persons
 - The vehicle of the elder or dependent adult The vehicles of the other protected persons
 - Other (*specify*): _____
-
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 Move-Out Order Granted Denied Not Requested

You must immediately move out from and not return to (*address*):

 and must take only the personal clothing and belongings you need until the hearing.

8 Firearms Prohibition and Relinquishment Denied Granted as Follows:

This order must be granted unless the abuse is financial only.

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

This is a Court Order

b. You must:

- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (*You may use Form EA-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

9 Financial Abuse

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

10 Other Orders (specify): **Not Requested** **Denied** **Granted as Follows:**

Additional orders are attached at the end of this Order on Attachment 10.

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in **1** or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

12 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

13 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order



Warnings and Notices to the Restrained Person in ②

Possession of Guns or Firearms

If the court grants the orders in item ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑧. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form EA-120-INFO, *How Can I Respond to a Request for Orders to Elder or Dependent Adult Abuse?*, to learn how to respond to this Order.
- If you want to respond, fill out Form EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have Form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail within the time given in item ⑦ of Form EA-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the mailing should complete and sign Form EA-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

This is a Court Order

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature on page 3. The order *ends* on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2)):

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk’s Certificate

[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

DRAFT
March 30, 2011

Not Approved by the Judicial Council

1 Elder or Dependent Adult In Need of Protection

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (*date*): _____ and to reissue the attached *Temporary Restraining Order* (Form EA-110).

a. The attached order was issued on (*date*): _____ without notice to the person in 2 .

b. I could not get the order served before the hearing date for the reasons stated:

below on the attached page

c. This is the first request to reissue the Order.

The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order

Order on Request for Continuance and Reissuance and Notice of New Hearing Date

Clerk stamps date here when form is filed.

**DRAFT 9 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Person asking for the protection, if different (*person named in item 3 of Form EA-100*):

Name: _____

Lawyer for person in 1 (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____

3 Current Hearing

A hearing in this case is currently set for (*date*) _____ at (*time*) _____ .

4 Request for New Hearing Date

a. A new hearing date was requested by:

(1) The person asking for protection (2) The person from whom protection is sought

b. Because: (1) The person from whom protection is sought could not be served before the current hearing date.

(2) The parties have agreed to postpone the hearing and ask for a new hearing date.

(3) For the reasons stated below on the attached page.

5 Reissuance of Temporary Restraining Order

a. No temporary restraining order was issued in this case.

b. The request to reissue temporary restraining order is **DENIED**.

c. The request to reissue temporary restraining order is **GRANTED**.
The attached *Temporary Restraining Order* (Form EA-110) is reissued.

6 Expiration Date

The attached *Temporary Restraining Order* expires at the end of the hearing now scheduled for:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order



Warning and Notice to the Person in ②

You must continue to obey the attached Temporary Restraining Order until the hearing.

⑦ Order for Continuance and Notice of Hearing

The court hearing on the *Request for Orders to Stop Elder or Dependent Adult Abuse (Form EA-100)* is continued and rescheduled:

Clerk will fill out section below.

New Hearing Date →	Date: _____	Time: _____	_____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	_____	

- a. A copy of this Order must be served on the person in ② at least ____ days before the hearing, along with the other documents requesting orders to stop abuse. If reissuance is denied in item 5b on page 1, a copy of the *Temporary Restraining Order* (form EA-110) must NOT be attached and served.
- b. No further service of this Order is required because both parties were present at the initial hearing date (in item ③), and both were given a signed copy of this Order.

⑧ Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 5c is checked), this Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the person in ① or that person's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

Additional law enforcement agencies are listed at the end of this Order in Attachment 8.

⑨ No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

This is a Court Order.



Date: _____

Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 14 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Use this form to respond to the Request (Form EA-100).

- Read Form EA-120-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have the person in ① or that person's lawyer served by mail with a copy of this form and any attached pages. (See Form EA-250, Proof of Service of Response by Mail.)

① Elder or Dependent Adult Seeking Protection

Name: _____

- Name of person asking for the protection, if different:
(This is the person named in item ③ of the request (Form EA-100).)
- _____

② Person From Whom Protection is Sought

Your Name: _____

Your Lawyer (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place (from Form EA-109, item ③) here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify): _____

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify): _____



10 **Lawyer's Fees and Costs**

- a. I ask the court to order payment of my lawyer's fees court costs by the person asking for protection named in **1**. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 10—Lawyer's Fees and Costs" for a title.
- b. I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.

11 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

1 Name of person to be protected:

Address (*Skip this if you have a lawyer. If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone number (*optional*): _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Work Address (*if known*): _____

City: _____ State: _____ Zip: _____

Court fills in case number when form is filed.

Case Number:

To the person in ②:

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (*check a or b*):

a Has scheduled the hearing stated in ③. No orders are issued against you at this time.

b Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

**Notice of Hearing and Temporary
Restraining Order (CLETS-TEA or TEF)
(Elder or Dependent Adult Abuse Protection)**



Your name: _____

5 **Additional Protected Persons**

In addition to the person named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

<u>Name</u>	<u>Sex</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional protected persons are listed at the end of this Order as EA-120 Attachment 5.

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

6 **Personal Conduct Orders**

You must **not** do the following things to the person listed in ① and each person listed in ⑤:

- a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. (If item c. is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

7 **Stay-Away Orders**

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The home of the person in ①
- c. The job or workplace of the person in ①
- d. The vehicle of person in ①
- e. The persons listed in ⑤
- f. Other (specify): _____

8 **Move-Out Order**

You must immediately move out from and not return to (address): _____

and must take only the personal clothing and belongings you need until the hearing.

9 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

This is a Court Order.



Your name: _____

10 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 Form EA-145, Proof of Firearms Turned In or Sold, for this.*)

11 **Financial Abuse**

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation or any other form of abuse.

12 **Other Orders** (*specify*): _____

Additional orders are attached at the end of this Order as EA-120 Attachment 12.

Instructions for the Protected Person

To the person in ①: (*Write the name of the person in ①:*) _____

13 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made,

you your lawyer the court clerk

should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency

Address (City, State, Zip)

_____	_____
_____	_____
_____	_____

14 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents below:

- Form EA-120, *Notice of Hearing and Temporary Restraining Order* (completed and filed-stamped)
- Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (completed and filed-stamped)
- Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*

If the boxes below are checked, you must also have someone personally deliver to the person in ② a copy of all the documents checked below:

e. Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)

f. *Other (specify):* _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

(*For help with service, read Forms EA-142-INFO and EA-150-INFO.*)

This is a Court Order.



Your name: _____

Order to Both Parties on Service**15** **Time for Service****A To: Person Asking for Order**

Someone 18 or over—**not you or anyone protected by this order**—must personally “serve” a copy of this order on the person in ② at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142-INFO and EA-151-INFO.)

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form EA-110 on the person in ①, then file it with the court at least _____ days before the hearing.

16 **No Fee to Notify (Serve) Restrained Person**

If the sheriff or marshal serves this Order, he or she will do it for free.

Date: _____

Judicial Officer**Warnings and Notices to the Restrained Person in ②****You Cannot Have Guns or Firearms**

17 If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this 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 police any guns or firearms that you have or control in accordance with item ⑩ above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.

18 **After You Have Been Served With a Restraining Order**

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in ① or that person’s attorney by the date listed in ⑮ of this form. You cannot serve the person in ①. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. Form MC-030, *Declaration*, is available from the clerk’s office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or to his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Your name: _____

19 Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in 2*):

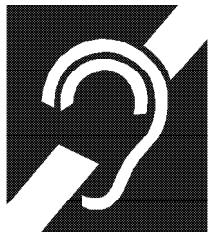
If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in 1 are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement Agencies

20 This order is effective when made. It is enforceable anywhere 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 the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Information for All Parties



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

EA-120-INFO

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

What is an elder or dependent adult abuse protective order?

It is a court order that will prohibit you from doing certain things and going certain places.

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any guns as long as the order is in effect

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

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

I've been served with a petition to stop elder or dependent adult abuse. What do I do now?

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk's office or county law library, from legal publishers, or on the California Courts website: www.courts.ca.gov/forms.

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

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

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

Should I go to the court hearing?

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

EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (person named in item 2) of Form EA-100:

Full Name: _____

Lawyer for person named above (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (if you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail):

Address: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:
Superior Court of California, County of _____

Court files in case number when form is filed.
Case Number: _____

2 Person You Want Protection From

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.
To The Person in 2

3 Notice of Hearing

A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above:

Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____

If you want to respond to the request for orders in writing, file Form EA-120, *Response to Request for Order to Stop Elder or Dependent Adult Abuse*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the order requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms that you own or possess.

This is a Court Order

Notice of Court Hearing
(Elder or Dependent Adult Abuse Protection)

Judicial Council of California, www.courts.ca.gov
New January 1, 2012, Mandatory Form
Welfare & Institutions Code, § 15657.03
Approved by OCU

EA-109, Page 1 of 3



How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

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

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

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

What if I am deaf or hard of hearing?**Request for Accommodations**

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

For help in your area, contact:

[Local information may be inserted]

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Person in ① must complete items ①, ② and ③ only.

① Protected Elder or Dependent Adult

Full Name: _____ Age: _____

Person requesting protection for the elder or dependent adult, if different (person named in item ③ of Form EA-100):

Full Name: _____

Lawyer for person named above (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Restrained Person

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home address (if known): _____

City: _____ State: _____ Zip: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below.

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order



5 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) The elder or dependent adult in need of protection.
 - (2) The lawyer for the elder or dependent adult *(name)*: _____
 - (3) The person in ① asking for protection (if not the elder or dependent adult).
 - (4) The lawyer for the person in ① asking for protection *(name)*: _____
 - (5) The person in ②
 - (6) The lawyer for the person in ② *(name)*: _____
 - Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Person in ②

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You must **not** do the following things to the elder or dependent adult named in ① :
 and to the other protected persons listed in ③ :
- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. *If item (3) is not checked, the court has found good cause not to make this order.*
 - (4) Other *(specify)*: _____
- b. Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Orders

- a. You **must** stay at least _____ yards away from the elder or dependent adult named in ①
 and from each other protected person listed in ③ and from the places listed below *(check all that apply)*:
- The residence of the elder or dependent adult
 - The residences of the other protected persons
 - The job or workplace of the elder or dependent adult
 - The jobs or workplaces of the other protected persons
 - The vehicle of the elder or dependent adult
 - The vehicles of the other protected persons
 - Other *(specify)*: _____

This is a Court Order

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 **Move-Out Order**

You must immediately move out from and not return to (*address*):

and must take only the personal clothing and belongings you need.

9 **Firearms Prohibition and Relinquishment**

This Order must be granted unless the abuse is financial only.

a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**

b. If you have not already done so, you must:

- Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form EA-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

10 **Financial Abuse**

This case does **not** does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

11 **Lawyer's Fees and Costs**

You must pay to the person in **1** the following amounts for: a. Lawyer fees b. Court costs

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional amounts are attached at the end of this Order on Attachment 11.

12 **Other Orders** (*specify*):

Additional orders are attached at the end of this Order on Attachment 12.

This is a Court Order

13 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 13.

14 Service of Order on Restrained Person

- a. The people in ① and ② were both at the hearing. No other proof of service is needed.
- b. The person in ① was at the hearing. The person in ② was not.
 - (1) Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form EA-110 except for the end date. The person in ② must be served with this Order. Service may be by mail.
 - (2) Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in Form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

15 No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do so for free.

16 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

Possession of Guns or Firearms

If the court grants the orders in item ⑨ on page 3, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item ⑨. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

This is a Court Order

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature on page 4 and *ends* on the expiration date in item 4 on page 1.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2)):

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Clerk’s Certificate
[seal]

(Clerk will fill out this part.)

Clerk's Certificate

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Person Seeking Protection**

Name: _____

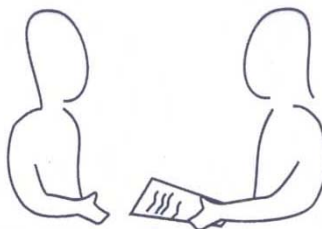
2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

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

**PROOF OF PERSONAL SERVICE****4** I gave the person in **2** a copy of the forms checked below:

- a. EA-109, *Notice of Court Hearing*
- b. EA-110, *Temporary Restraining Order*
- c. EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse*
- d. EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*
- f. EA-130, *Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse*
- g. EA-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

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

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

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

What is "Service"?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person service." The *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100), the *Notice of Court Hearing* (Form EA-109), and the *Temporary Restraining Order* (Form EA-110) must be served "in person." That means that someone must personally "serve" (give) a copy of the forms to the person to be restrained.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free**.

A "registered process server" is a business you pay to deliver court forms. Look for "Process Serving" in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form EA-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form EA-109, *Notice of Court Hearing*:

First, look at the hearing date on page 1 of Form EA-109.

Next, look at the number of days written in item (5) on page 2 of Form EA-109.

③ Notice of Hearing

Hearing Date → Date: _____
Dept.: _____

⑤ Service of Documents and Time for Service

To the Petitioner

At least _____ days before the hearing,

Look at a calendar. Subtract the number of days in (5) from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in (5), you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form EA-200 *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make at least five copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form EA-110) and *Proof of Personal Service* (Form EA-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form EA-115, *Request for Continuance and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form EA-116, *Order on Request for Continuance and Reissuance and Notice of New Hearing Date*, to a copy of your original orders. Ask the clerk to enter EA-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

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March 30, 2011
Not Approved by the
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1 Elder or Dependent Adult Seeking Protection

Name: _____

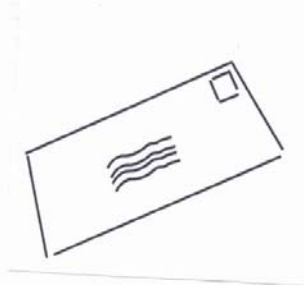
2 Person From Whom Protection Is Sought

Your Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older
- Be a resident or employed in the county where the mailing took place
- Not be the person listed in **2**
- Mail a copy of all documents checked in **4** to the person in **1**
- Complete and sign this form and give it to the person in **2**



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and not a party to this proceeding. I am a resident or employed in the county where the mailing took place. I mailed the person in **1** a copy of all documents checked below:

- a. Form EA-120, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (completed)
- b. Other (*specify*): _____

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

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

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

**DRAFT BG 1
March 30, 2011**

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You may serve Form CH-130, Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse, on the restrained person by mail if the restrained person was not at the hearing and:

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

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

- a. Form EA-130, *Restraining Order After to Stop Elder or Dependent Adult Abuse*
- b. Other (specify): _____

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

a. Mailed from: City: _____ State: _____ b. On (date): _____

c. To this address: _____

City: _____ State: _____ Zip: _____

5 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011**

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Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Restrained Person

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 Request to Renew Restraining Order

I ask the court to renew the *Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse* (Form EA-130). A copy of the order is attached.

a. The order ends on (*date*): _____

b. This is my first request to renew the order.

The order has been renewed _____ times already.

c. I want the order to be renewed for five years permanently other (*specify*): _____

d. I ask the court to renew the order because (*explain below*):

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3d—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

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March 30, 2011
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Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Restrained Person

Full Name: _____ Age: _____

Address (*if known*): _____

City: _____ State: _____ Zip: _____

3 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining orders stay in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date →

Date: _____ Time: _____

Dept.: _____ Room: _____

4 Service and Response

To the Person in 1

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally “serve” a copy of the following forms on the restrained person at least _____ days before the hearing.

EA-700, *Request to Renew Restraining Order*;

EA-710, *Notice of Hearing to Renew Restraining Order* (this form);

EA-720, *Response to Request to Renew Restraining Order* (blank copy);

EA-130, the current *Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse* for which renewal is requested.

This is a Court Order



Case Number: _____

After the restrained person has been served, file Form EA-200, *Proof of Personal Service*, with the court clerk. For help with service, read Form EA-200-INFO, *What Is "Proof of Personal Service"?*

To the Restrained Person:

If you wish to make a written response to the request to renew the restraining order, you may fill out Form EA-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the person in ① at the address in ① least _____ days before the hearing. Also file Form EA-250, *Proof of Service of Response by Mail*, with the court before the hearing.

At the hearing, the judge can renew the current restraining orders for up to another five years or make them permanent. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge if you do not want the orders against you renewed. If the restraining orders are renewed, you *must* obey those orders even if you do not attend the hearing.

Date: _____

Judicial Officer



Requests for Accommodations

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

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the *Request to Renew Restraining Order* (Form EA-700).

- Fill out this form and then take it to the court clerk.
- Have the protected person or the person who obtained the order on behalf of the protected person served by mail with a copy of this form and any attached pages (*see Form EA-250, Proof of Service of Response by Mail*).

1 Protected Elder or Dependent Adult

Name: _____

- Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Name: _____

2 Restrained Person

Your Full Name: _____

Your Lawyer (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 Response

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

- Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title.

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Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form EA-710 item 3 here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

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



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Order Renewing Restraining Order to Stop Elder or Dependent Adult Abuse

Clerk stamps date here when form is filed.

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Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Full Name: _____

Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of Form EA-100*):

Full Name: _____

Lawyer for person named above (*if any*):

Name: _____ State Bar No.: _____

Firm Name: _____

Address for person named above (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Restrained Person

Full Name: _____ Age: _____

Address (*if known*): _____ City: _____ State: _____ Zip: _____

3 Hearing

There was a hearing on (*date*): _____ at (*time*): _____ a.m. p.m. Dept.: _____ Room: _____ (*Name of judicial officer*): _____ made the orders at the hearing.

These people were at the hearing:

- a. The protected person c. The lawyer for the protected person (*name*): _____
- b. The restrained person d. The lawyer for the restrained person (*name*): _____
- Additional persons present are listed on Form MC-025 Attachment 3.

4 Renewal and Expiration

The request to renew the attached *Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse*, originally issued on (*date*) _____, is:

- a. **DENIED.** The attached order expires as stated in item 3 of the order.
- b. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (*date*): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item 3, above.

Date: _____

Judicial Officer

This is a Court Order

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Protected Elder or Dependent Adult

Name: _____

2 Restrained Person

Your Full Name: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself.

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in 6 were sold to me on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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

▶ _____
Signature of licensed gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "EA-800, Item 6—Firearms Turned In or Sold" for a title. Include make, model, and serial number of each firearm.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6? Yes No

If you answered yes, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed a Proof of Firearms Turned In or Sold for those firearms with the court on (date): _____.

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7c" for a title.

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

Date: _____

Type or print your name

Sign your name

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- 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.

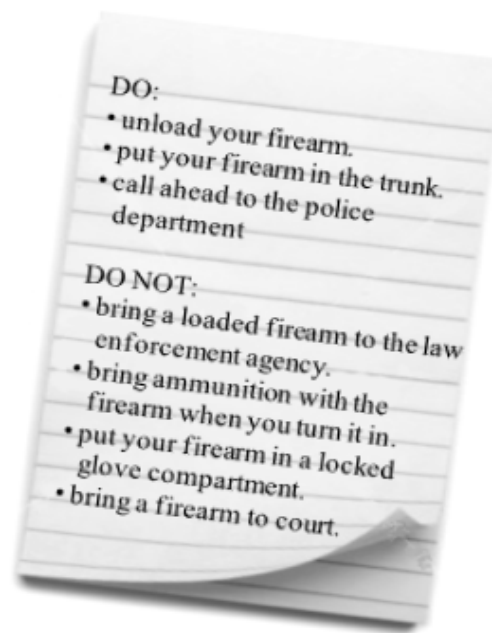
7 Do I have to pay the law enforcement agency to keep my firearm?

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)



Clerk stamps date here when form is filed.

Read How Do I Get an Order to Prohibit Private Postsecondary School Violence? (Form SV-100-INFO) before completing this form. Also fill out Form SV-102, **Confidential** CLETS Information, with as much information as you know.

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March 30, 2011
Not Approved by the
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1 Petitioner (Educational Institution Officer or Employee)

Name: _____

is the chief administrative officer
 an officer or employee designated by the chief administrative officer to maintain order on the campus or facility

of (name of private postsecondary educational institution): _____

and is filing this petition on behalf of the student in **2**.

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's address, telephone, fax, and e-mail address.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

2 Student in Need of Protection (Protected Person)

Full Name: _____

Sex: M F Age: _____**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: _____ Age: _____

Home Address (if known): _____

City _____ State: _____ Zip: _____

4 Additional Protected Persons

a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection?

 Yes No If yes, list those persons below:

Full Name	Sex	Age	Household Member?	Relationship to Student
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

This is not a Court Order

Case Number:

Additional protected persons are listed in Attachment 4a.

b. Why do these people need protection? (Explain): Response is stated in Attachment 4b.

5 Relationship of Student and Respondent

a. How does the student know the respondent? (Describe): Response is stated in Attachment 5a.

b. Respondent is is not a current student of petitioner. Explain any decision to retain, expel, or otherwise discipline the respondent. Response is stated in Attachment 5b.

6 Venue

Why are you filing in this county? (Check all that apply):

- a. The respondent lives in this county.
- b. The respondent has caused physical or emotional injury to the student in this county.
- c. Other (specify): _____

7 Other Court Cases

a. Has the student or any of the persons named in 4 been involved in another court case with the respondent?
 Yes No If yes, check each kind of case and indicate where and when each was filed:

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/>	Postsecondary School Violence	_____	_____	_____
(2) <input type="checkbox"/>	Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/>	Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/>	Divorce, Nullity, Legal Separation	_____	_____	_____
(5) <input type="checkbox"/>	Paternity, Parentage, Child Support	_____	_____	_____
(6) <input type="checkbox"/>	Elder or Dependent Adult Abuse	_____	_____	_____
(7) <input type="checkbox"/>	Eviction	_____	_____	_____
(8) <input type="checkbox"/>	Guardianship	_____	_____	_____
(9) <input type="checkbox"/>	Workplace Violence	_____	_____	_____
(10) <input type="checkbox"/>	Criminal	_____	_____	_____
(11) <input type="checkbox"/>	Other (specify): _____	_____	_____	_____

b. Are there now any restraining orders or criminal protective orders in effect relating to the student or any of the persons in 4 and the respondent? Yes No If yes, attach a copy if you have one.

This is not a Court Order.

f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the student or the respondent receive an Emergency Protective Order?

Yes No I don't know

If yes: The order protects (check all that apply):

(1) The student (2) The respondent (3) One or more of the persons in ④

Attach a copy of the order if you have one.

Check the orders you want.

⑨ **Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the student or to any person to be protected listed in ④:

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Make threats of violence to the person.
- c. Follow or stalk the person during school hours or to or from the school campus or facility.
- d. Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- e. Enter the person's school campus or facility.
- f. Take any action to obtain the person's address or location.
- g. Other (specify): _____

⑩ **Stay-Away Orders**

a. I ask the court to order the respondent to stay at least _____ yards away from the student and from each other person to be protected listed in ④ and from the places listed below (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> The student's residence | <input type="checkbox"/> The residences of the other persons to be protected |
| <input type="checkbox"/> The student's job or workplace | <input type="checkbox"/> The jobs or workplaces of the other persons to be protected |
| <input type="checkbox"/> The school or place of child care of the student's children | <input type="checkbox"/> The schools or places of child care of the children of the protected persons |
| <input type="checkbox"/> The student's vehicle | <input type="checkbox"/> The vehicles of the other persons to be protected |
| <input type="checkbox"/> Other (specify): _____ | |

b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No *If no, explain:*

Response is stated in Attachment 10b.

This is not a Court Order.



11 Firearms Prohibition and Relinquishment

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, or ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

Does the respondent own or possess any guns or other firearms? Yes No I don't know

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No

If you answered yes, explain why:

Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Response is stated in Attachment 13.

14 No Fee for Filing

I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.

15 No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking.

16 Court Costs

I ask the court to order the respondent to pay my court costs.

This is not a Court Order.



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

What is a Private Postsecondary School Violence Protection Order?

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

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get this School Violence Protection Order?

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

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

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

Who can be protected under this law?

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

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

A school official may seek protection under this law if:

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

What forms must be used to get the order?

The following forms are needed to start the process:

1. *Petition for Orders to Stop Private Postsecondary School Violence (Petition)* (Form SV-100). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
2. *Confidential CLETS Information* (Form SV-102). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (Form SV-109). This form tells the parties when the hearing on the petition will be held.
4. *Temporary Restraining Order (TRO)* (Form SV-110). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.



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

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

6. *Proof of Personal Service* (Form SV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

All of these forms are available from the court clerk's office, from any law library, or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts website at www.courts.ca.gov/forms.

Do I need a lawyer?

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

What steps are needed to get the court orders?

1. Fill in the **Petition** (Form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form SV-109). If you are seeking a **TRO**, also fill out Form SV-110.
2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form SV-100). You may use Form MC-031, *Attached Declaration*.
3. Fill in Form SV-102, Confidential *CLETS Information*, with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.

4. If you are applying for a **TRO**, fill out Form SV-110 completely. The Petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
 - b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them;
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form SV-109).
6. If you are seeking a **TRO** (Form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order.
- Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.



7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
- If the court issues a TRO, it will last until the hearing date.**
8. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form SV-100), the *Notice of Court Hearing* (Form SV-109), the **TRO** (Form SV-110) (if issued), a blank **Response** (Form SV-120), and a blank *Proof of Service of Response by Mail* (Form SV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for Form SV-200-INFO, *What Is "Proof of Personal Service"?*.

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

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



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

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*.)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (Form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form SV-220, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.
16. The order can be enforced in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories. If the student moves out of California, have him or her contact the new local police so that they will know about the order.



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted.]

SV-102

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.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

Case Number (If you know it): _____

1 Student 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: _____

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

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Continued on Attachment 4.

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

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Petitioner (School Official)**

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student in Need of Protection (Protected Person)

Full Name: _____

3 Respondent (Person From Whom Protection is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

*The court will fill out the rest of this form.***To the Respondent:****3 Notice of Hearing****A court hearing is scheduled on the request for orders against you to stop harassment:****Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

If you want to respond to the request for orders in writing, file Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence.

At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.

This is a Court Order.

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

a. Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Reasons for denial are specified in item 4b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Reasons for denial are specified in item 4b, below.)

b. Reasons that Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*, for personal conduct or stay-away are denied are:

(1) The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.

(2) Other (specify): As stated on Attachment 4b

5 Service of Documents and Time for Service

To the Petitioner:

At least ____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s file-stamped copy of this form to the respondent, along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Orders to Stop Private Postsecondary School Violence* (file-stamped)
- b. SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence* (blank form)
- d. SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*
- e. SV-250, *Proof of Service of Response by Mail* (blank form)

f. Other (specify): _____

- The court cannot grant restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your petition and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form SV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form SV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form SV-115, *Request for Continuance and to Reissue Temporary Restraining Order*.

This is a Court Order.



To the Respondent:

- For information about responding to a restraining order, read Form SV-120 - INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*.
- If you want to respond in writing, complete Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*, and file it with the court. A copy must be mailed to the petitioner **at least _____ days before the hearing**. You cannot mail Form SV-120 yourself. Someone else age 18 or older must do it.
- To show that the petitioner has been served by mail, the person who mailed the form must fill out a proof of service form. Form SV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing or bring it with you to the court hearing.

Date: _____

Judicial Officer



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Petitioner (School Official)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

**DRAFT 3 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

This is a Court Order.



To the Respondent:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders Not Requested Denied Granted as Follows:

a. You are ordered **not** to do the following things to the student

and to the other protected persons listed in **4**:

(1) Assault, batter, or stalk the person.

(2) Commit acts of violence or make threats of violence against the person.

(3) Follow or stalk the person during school hours or to or from the school.

(4) Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.

(5) Enter the person's school.

(6) Take any action to obtain the person's addresses or locations. If this item 6 is not checked, the court has found good cause not to make this order.

(7) Other (*specify*): _____

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Order Not Requested Denied Granted as Follows:

a. You **must** stay at least _____ yards away from the student

and from each other protected person listed in **4**, and from the places listed below (*Check all that apply*):

The student's residence

The residences of the other protected persons

The student's job or workplace

The jobs or workplaces of the other protected persons

The student's children's school or place of child care

The schools or places of child care of the other protected persons' children

The student's vehicle

The vehicles of the other protected persons

Other (*specify*): _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 Firearms Prohibition and Relinquishment

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:

(1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (*You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possess a firearm.

This is a Court Order.

Case Number: _____

9 Other Orders (specify): Not Requested Denied Granted as Follows:

Additional orders are attached at the end of this Order on Attachment 9.

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS.

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 8 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

This is a Court Order.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form SV-109, *Notice of Court Hearing* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the student, or placed the student in reasonable fear of violence.
- You must have Form SV-120 served on the petitioner or the petitioner's attorney. Serve it by mail within the time given in item ⑤ of Form SV-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the service should complete and sign Form SV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 5 on page 1.

This is a Court Order.



Arrest Required If Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the Order. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2).):

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.
DRAFT
March 30, 2011
Not Approved by the Judicial Council

Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

1 Petitioner (School Official)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student (Person in Need of Protection)

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____ and to reissue the attached *Temporary Restraining Order* (Form SV-110).

a. The attached order was issued on (date): _____ without notice to the respondent.

b. I could not get the order served before the hearing date for the reasons stated:

below on the attached page

c. This is the first request to reissue the Order.

The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Order on Request for Continuance and Reissuance and Notice of New Hearing Date

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

1 Petitioner (School Official)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

4 Current Hearing

A hearing in this case is currently set for (date) _____ at (time) _____ .

5 Request for New Hearing Date

- a. A new hearing date was requested by: (1) The petitioner (2) The respondent
- b. Because: (1) The respondent could not be served before the current hearing date.
- (2) The parties have agreed to postpone the hearing and ask for a new hearing date.
- (3) For the reasons stated below on the attached page.

6 Reissuance of Temporary Restraining Order

- a. No temporary restraining order was issued in this case.
- b. The request to reissue temporary restraining order is **DENIED**.
- c. The request to reissue temporary restraining order is **GRANTED**.
The attached *Temporary Restraining Order* (Form SV-110) is reissued.

7 Expiration Date

The attached *Temporary Restraining Order* expires at the end of the hearing now scheduled for:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

Warning and Notice to the Respondent

You must continue to obey the attached Temporary Restraining Order until the hearing.

8 Order for Continuance and Notice of Hearing

The court hearing on the *Petition for Orders to Stop Private Postsecondary School Violence (Form SV-100)* is continued and rescheduled:

Clerk will fill out section below.

<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> New Hearing Date </div>	Date: _____	Time: _____	_____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	_____	

- a. A copy of this Order must be served on the respondent at least ___ days before the hearing, along with the other documents requesting orders to stop workplace violence. If reissuance is denied in item 6b on page 1, a copy of the *Temporary Restraining Order* (form SV-110) must NOT be attached and served.
- b. No further service of this Order is required because both parties were present at the initial hearing date (in item 4), and both were given a signed copy of this Order.

9 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order has been reissued (item 6c is checked), this Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

- Additional law enforcement agencies are listed at the end of this Order in Attachment 9.

This is a Court Order.

10 **No Fee to Serve (Notify) Respondent** **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

Date: _____

Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk’s Certificate
[seal]

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

SV-120-INFO

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

What is a school violence protective order?

It is a court order that will prohibit you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the student who is protected by the order
- Stay away from that person and the person’s home, school, and other places
- Not have any guns as long as the order is in effect

Who can ask for a school violence protective order?

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

I've been served with a petition to stop private postsecondary school violence. What do I do now?

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

What if I don't obey the order?

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

What if I do not agree with what the order says?

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk’s office or county law library, from legal publishers, or on the California Courts website: www.courts.ca.gov/forms.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form SV-120 to the person named in item 1 of the petition Form SV-100 (or that person’s lawyer). (This is called “service by mail.”)

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

Should I go to the court hearing?

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

SV-109 Notice of Court Hearing

Client stamps date here when form is filed.

1 Petitioner (School Official)
 Name: _____
 Lawyer for Petitioner (if any): _____
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Address (if you have a lawyer for this case, give your lawyer's information.): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

2 Student in Need of Protection (Protected Person)
 Full Name: _____

3 Respondent (Person From Whom Protection is Sought)
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.

To the Respondent:

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing → Date: _____ Time: _____ Name and address of court if different from above:
 Date Dept. Room: _____

If you want to respond to the request for orders in writing, file Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to tell or turn in any firearms or ammunition that you own or possess.

This is a Court Order.

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, §§ 527.85 and 527.9
 Approved 02/11

Notice of Court Hearing (Private Postsecondary School Violence Prevention) SV-109, Page 1 of 3



How long does the order last?

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

Do I need a lawyer?

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

Will I see the student at the court hearing?

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or his or her lawyer says you can.

Can I bring a witness to the court hearing?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

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

Can I agree with the student to cancel the order?

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

What if I am deaf or hard of hearing?



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted]

Restraining Order After Hearing to Stop Private Postsecondary School Violence

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

Lawyer for Petitioner (if any): _____

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.): _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) The petitioner/school represented by *(name)*: _____
 (2) The lawyer for the petitioner/school *(name)*: _____
 (3) The student (4) The lawyer for the student *(name)*: _____
 (5) The respondent (6) The lawyer for the respondent *(name)*: _____
- Additional persons present are listed at the end of this Order on Attachment 6.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____

To the Respondent

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

7 Personal Conduct Orders

- a. You are ordered **not** to do the following things to the student _____
 and to the other protected persons listed in ④: _____
- (1) Assault, batter, or stalk the person. _____
 (2) Commit acts of violence or make threats of violence against the person. _____
 (3) Follow or stalk the person during school hours or to or from the school. _____
 (4) Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means. _____
 (5) Enter the person's school. _____
 (6) Take any action to obtain the person's addresses or locations. If this item is not checked, the court has found good cause not to make this order. _____
- (7) Other *(specify)*: _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

8 Stay-Away Order

- a. You **must** stay at least _____ yards away from the student _____
 and from each other protected person listed in ④ and from the places listed below *(check all that apply)*:
- | | |
|---|--|
| <input type="checkbox"/> The student's residence | <input type="checkbox"/> The residences of the other protected persons |
| <input type="checkbox"/> The student's job or workplace | <input type="checkbox"/> The jobs or workplaces of the other protected persons |
| <input type="checkbox"/> The student's children's school or place of child care | <input type="checkbox"/> The schools or places of child care of the other protected persons' children. |
| <input type="checkbox"/> The student's vehicle | <input type="checkbox"/> The vehicles of the other protected persons |
- Other *(specify)*: _____

This is a Court Order.

b. This stay-away order does not prevent you from going to or from your home or place of employment.

9 Firearms Prohibition and Relinquishment

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. If you have not already done so, you must:

- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.)

c. The court has received information that you own or possess a firearm.

10 Costs

You must pay the following amounts for costs to the petitioner:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 10.

11 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 11.

12 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS.

Name of Law Enforcement Agency Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

This is a Court Order.

13 Service of Order on Respondent

- a. Both the respondent and the employee attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of Form SV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) The judge’s orders in this form are different from the temporary restraining orders in Form SV-110. Someone—but not the petitioner or anyone protected by this Order— must personally serve a copy of this order on the respondent.

14 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on **actual violence**, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

15 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item **9**. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

This is a Court Order.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature above and *ends* on the expiration date in item 5.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2).):

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

Clerk’s Certificate
[seal]

—Clerk's Certificate—

I certify that this *Restraining Order After Hearing to Stop Private Postsecondary School Violence* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is “Service”?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Orders to Stop Private Postsecondary School Violence* (Form SV-100), the *Notice of Court Hearing* (Form SV-109), and the *Temporary Restraining Order* (Form SV-110) must be served in person. That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?



Don't serve it by mail!

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free** if the orders are based on claims of stalking or a credible threat of violence, or if you are eligible for a fee waiver.

A registered process server is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form SV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form SV-109, *Notice of Court Hearing*.

First, look at the hearing date on page 1 of Form SV-109.

③ Notice of Hearing

Hearing Date → Date: _____
Dept.: _____

Next, look at the number of days written in item ⑤ on page 2 of Form SV-109.

⑤ Service of Documents and Time of Service

To the Petitioner

At least _____ days before the hearing,

Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑤, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign Form SV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make at least five copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form SV-110) and *Proof of Personal Service* (Form SV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form SV-115, *Request for Continuance and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form SV-116, *Order on Request for Continuance and Reissuance and Notice of New Hearing Date*, to a copy of your original orders. Ask the clerk to enter SV-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

You may serve Form SV-130, Restraining Order After Hearing to Stop Private Postsecondary School Violence, on the respondent by mail if the respondent was not at the hearing and:

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Name: _____

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and am a resident of or employed in the county where the mailing took place. I am not the petitioner, the student, or any person listed in item **4** of Form SV-130. I mailed the respondent a copy of:

- a. Form SV-130, *Restraining Order After Hearing to Stop Private Postsecondary School Violence*
 b. Other (specify): _____

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

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

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name_____
Server to sign here

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (School Official)

Name: _____

Lawyer for Petitioner *(if any)*:

Name: _____ State Bar No.: _____

Firm Name: _____

Address *(If you have a lawyer for this case, give your lawyer's information.)*:

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____ Age: _____

Address *(if known)*: _____

City: _____ State: _____ Zip: _____

4 Request to Renew Restraining Order

I ask the court to renew the *Restraining Order After Hearing to Stop Private Postsecondary School Violence* (Form SV-130). A copy of the order is attached.

a. The order ends on *(date)*: _____

b. This is my first request to renew the order.

The order has been renewed _____ times already.

c. I want the order to be renewed for three years other *(specify)*: _____

d. I ask the court to renew the order because *(explain below)*: Response is stated in Attachment 4d.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011****Not Approved by the
Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Petitioner (School Official)**

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Court HearingThe judge has set a court hearing date. *Court will fill in box below.***The current restraining orders stay in effect until the end of the hearing.**

Name and address of court if different from above:

**Hearing
Date**

Date: _____ Time: _____

Dept.: _____ Room: _____

5 Service and Response**To the Petitioner**

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

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

This is a Court Order.

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

To the Respondent:

If you wish to make a written response to the request to renew the restraining order, you may fill out Form SV-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the petitioner at the address in ① at least _____ days before the hearing. Also file Form SV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

At the hearing, the judge can renew the current restraining orders for up to another three years. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge if you do not want the orders against you renewed. If the restraining orders are renewed, you *must* obey those orders even if you do not attend the hearing.

Date: _____

Judicial Officer



Requests for Accommodations

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

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 2 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Use this form to respond to the *Request to Renew Restraining Order* (Form SV-700).

- Fill out this form and then take it to the court clerk.
- Have the petitioner served by mail with a copy of this form and any attached pages (*see Form SV-250, Proof of Service of Response by Mail*).

1 Petitioner (School Official)

Name: _____

2 Student (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Your Full Name: _____

Your Lawyer (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (*If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Response

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

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title.

Court name and street address:
Superior Court of California, County of

Fill in case number:
Case Number:

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form SV-710 item ④ here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

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



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Order Renewing Restraining Order to Stop Private Postsecondary School Violence

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (School Official)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Hearing

There was a hearingn (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

- a. The petitioner
 - b. The respondent
 - c. The lawyer for the petitioner (name): _____
 - d. The lawyer for the respondent (name): _____
- Additional persons present are listed on Form MC-025 Attachment 4.

5 Renewal and Expiration

The request to renew the attached *Restraining Order After Hearing to Stop Private Postsecondary School Violence*, originally issued on (date) _____, is:

- a. **DENIED.** The attached order expires as stated in item 3 of the order.
- b. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item 3, above.

Date: _____

Judicial Officer

This is a Court Order.

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- 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?

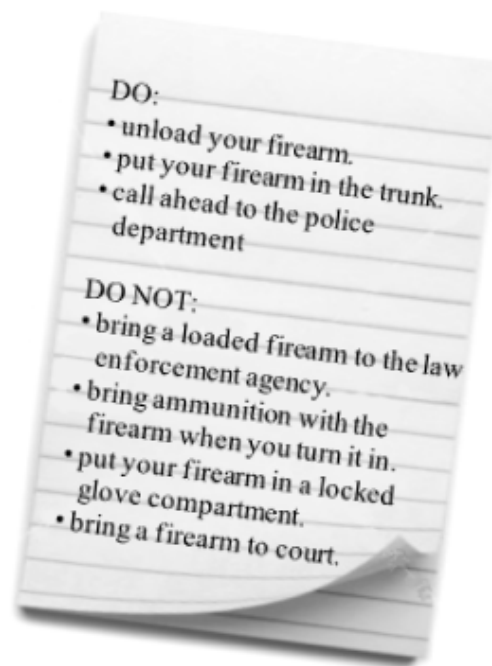
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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)



Petition for Orders to Stop Workplace Violence

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Read How Do I Get an Order to Prohibit Workplace Violence (Form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8. Also fill out Form WV-102, Confidential CLETS Information, with as much information as you know.**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

is a corporation sole proprietorship
 other (specify): _____

and is filing this suit on behalf of the employee identified in item **2**.

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's address, telephone, fax, and e-mail address.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

2 Employee in Need of Protection (Protected Person)

Full Name: _____

Sex: M F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes No *If yes, list those persons below.*

Full Name	Sex	Age	Household Member?	Relationship to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

This is not a Court Order.

b. Why do these people need protection? *(Explain):*

Response is stated in Attachment 4b.

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? *(Describe):* Response is stated in Attachment 5a.

b. Respondent is is not a current employee of petitioner. *(Explain any decision to retain, terminate, or otherwise discipline the respondent.)* Response is stated in Attachment 5b.

6 Venue

Why are you filing in this county? *(Check all that apply):*

- a. The respondent lives in this county.
- b. The respondent has caused physical or emotional injury to petitioner's employee in this county.
- c. Other *(specify):* _____

7 Other Court Cases

a. Has the petitioner or the employee or any of the persons named in (4) been involved in another court case with the respondent? Yes No *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(2) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5) <input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(7) <input type="checkbox"/> Eviction	_____	_____	_____
(8) <input type="checkbox"/> Guardianship	_____	_____	_____
(9) <input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input type="checkbox"/> Other <i>(specify):</i> _____	_____	_____	_____

b. Are there now any restraining orders or criminal protective orders in effect relating to the employee or any of the persons in (4) and the respondent? Yes No *If yes, attach a copy if you have one.*

This is not a Court Order.

- f. For any of the incidents described above, did the police come? Yes No I don't know
 If yes, did the employee or the respondent receive an Emergency Protective Order?
 Yes No I don't know

If yes: The order protects (check all that apply):

- (1) The employee (2) The respondent (3) One or more of the persons in ④

Attach a copy of the order if you have one.

Check the orders you want

9 Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in ④ :

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Commit acts of unlawful violence on or make threats of violence to the person.
- c. Follow or stalk the person during work hours or to or from the place of work.
- d. Contact the person, directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- e. Enter the person's workplace.
- f. Take any action to obtain the person's address or location.
- g. Other (specify): _____

10 Stay-Away Orders

a. I ask the court to order the respondent to stay at least _____ yards away from the employee and from each other person to be protected listed in ④ and from the places listed below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> The employee's residence | <input type="checkbox"/> The residences of the other persons to be protected |
| <input type="checkbox"/> The employee's job or workplace | <input type="checkbox"/> The jobs or workplaces of the other persons to be protected |
| <input type="checkbox"/> The school or place of child care of the employee's children | <input type="checkbox"/> The schools or places of child care of the children of the other persons to be protected |
| <input type="checkbox"/> The employee's vehicle | <input type="checkbox"/> The vehicles of the other persons to be protected |
| <input type="checkbox"/> Other (specify): _____ | |

- b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No *If no, explain:*
 Response is stated in Attachment 10b.

This is not a Court Order.

11 Firearms Prohibition and Relinquishment

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

Does the respondent own or possess any guns or other firearms? Yes No I don't know

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No *If you answered yes, explain why:*

Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Response is stated in Attachment 13.

14 No Fee for Filing

I ask that there be no filing fee because the respondent has inflicted or threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

15 No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on unlawful violence, a credible threat of violence, or stalking.

16 Court Costs

I ask the court to order the respondent to pay my court costs.

This is not a Court Order.



Case Number: _____

17 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 16.

18 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Name of person signing for petitioner

▶ _____
Signature

Title of person signing

This is not a Court Order.

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

What is a “workplace violence protective order”?

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

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. An employer is defined as:

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

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

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

Who can an employer protect under this law?

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

California law defines “employees” as:

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

The “respondent” is the person against whom **the employer is** requesting the protective order.

An employer may seek protection under this law if:

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

What forms must be used to get the order?

1. *Petition for Orders to Stop Workplace Violence (Petition)* (Form WV-100). This form tells the judge the facts of the petitioner’s case and what orders the petitioner and employee want the court to make.
2. *Confidential CLETS Information* (Form WV-102). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (Form WV-109). This form tells the parties when the hearing on the petition will be held.



4. *Temporary Restraining Order (TRO)* (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. *Restraining Order After Hearing to Stop Workplace Violence (Order)* (Form WV-130). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

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

6. *Proof of Personal Service* (Form WV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

All of these forms are available from the court clerk’s office, **from any law library**, or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts website at www.courts.ca.gov/forms.

Do I need a lawyer?

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

What steps are needed to get the court orders?

1. Fill in the **Petition** (Form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form WV-109). If you are seeking a **TRO**, also fill out Form WV-110.
2. If you are seeking orders based on information from your employee and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form WV-100). You may use Form MC-031, *Attached Declaration*.

3. Fill in Form WV-102, **Confidential CLETS Information**, with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO**, fill out Form WV-110 completely. The petition and the declarations must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent’s attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent’s attorney, specifying the efforts made to contact them;
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent’s attorney.

5. Take your original completed forms and copies to the clerk’s office at the court. You will need at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies “file-stamped” to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form WV-109).



6. If you are seeking a **TRO** (Form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

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

8. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form WV-100), the *Notice of Court Hearing* (Form WV-109), the **TRO** (Form WV-110) (if issued), a blank **Response** (Form WV-120), and a blank *Proof of Service of Response by Mail* (Form WV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-200-INFO, *What Is "Proof of Personal Service"?*.

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

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



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

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, *Declaration*.)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (Form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form WV-220, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form WV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

WV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Petitioner (Employer)
 Name: _____
 Lawyer for Petitioner (if any):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Address: (If you have a lawyer for this case, give your lawyer's information.): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

2 Employee in Need of Protection (Protected Person)
 Full Name: _____

3 Respondent (Person From Whom Protection is Sought)
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.

To the Respondent:

4 Notice of Hearing
 A court hearing is scheduled on the request for orders against you:
 Name and address of court if different from above:
 Hearing Date: _____ Date: _____ Time: _____
 Dept.: _____ Room: _____

If you want to respond to the request for orders in writing, file Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.

This is a Court Order

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, § 527.8
 Approved by DOJ

Notice of Court Hearing
 (Workplace Violence Prevention)

WV-109, Page 1 of 3

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

16. The order can be enforced in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories. If the employee moves out of California, have him or her contact the new local police so that they will know about the order.



Request for Accommodations

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

For help in your area, contact:
 [Local information may be inserted.]

**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.

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can and give it to the court clerk. The clerk will provide the confidential information on this form through CLETS into the California Restraining and Protective Order System (CARPOS), a statewide database that lets police know about your orders.

Case number (If you know it): _____

1 Employee 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: _____

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

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Continued on Attachment 4.

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

Clerk stamps date here when form is filed.

DRAFT
March 30, 2011
Not Approved by the
Judicial Council

1 Petitioner (Employer)

Name:
Lawyer for Petitioner (if any):
Name: State Bar No.:
Firm Name:
Address (If you have a lawyer for this case, give your lawyer's information.):
Address:
City: State: Zip:
Telephone: Fax:
E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee in Need of Protection (Protected Person)

Full Name:

3 Respondent (Person From Whom Protection is Sought)

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

The court will fill out the rest of this

To the Respondent:

4 Notice of Hearing

A court hearing is scheduled on the request for orders against you:

Form box containing hearing date and address fields. Includes a 'Hearing Date' label with an arrow pointing to the date field.

If you want to respond to the request for orders in writing, file Form WV-120, Response to Petition for Orders to Stop Workplace Violence. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.

This is a Court Order



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

a. Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Reasons for denial are specified in item 4b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Reasons for denial are specified in item 4b, below.)

b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, for personal conduct or stay away are denied are:

- (1) The facts as stated in Form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) Other (specify): As stated on Attachment 4b.

5 Service of Documents and Time for Service

To the Petitioner:

At least ____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s “file-stamped” copy of this form to the respondent, along with a copy of all of the forms indicated below:

- a. WV-100, *Petition for Orders to Stop Workplace Violence* (file-stamped)
- b. WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Orders to Stop Workplace Violence* (blank form)
- d. WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*
- e. WV-250, *Proof of Service of Response by Mail* (blank form)

f. Other (specify): _____

- The court cannot grant restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your petition and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form WV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form WV-115, *Request for Continuance and to Reissue Temporary Restraining Order*.

This is a Court Order.

To the Respondent

- For information about responding to a restraining order, read Form WV-120- INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*.
- If you want to respond in writing, complete Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*, and file it with the court. A copy must be mailed to the petitioner **at least _____ days before the hearing**. You cannot mail Form WV-120 yourself. Someone else age 18 or older must do it.
- To show that the petitioner has been served by mail, the person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing or bring it with you to the court hearing.

Date: _____

Judicial Officer



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk’s Certificate—

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

Clerk’s Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 3 BG
March 30, 2011
Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order



To the Respondent:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders Not Requested Denied Granted as Follows:

- a. You are ordered **not** to do the following things to the employee and to the other protected persons listed in (4):
- (1) Assault, batter, or stalk the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during work hours or to or from the place of work.
 - (4) Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
 - (5) Enter the workplace of the person.
 - (6) Take any action to obtain the person's addresses or locations. If this item 6 is not checked, the court has found good cause not to make this order.
 - (7) Other (*specify*): _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Order Not Requested Denied Granted as Follows:

- a. You **must** stay at least _____ yards away from the employee and from each other protected person listed in (4) and from the places listed below (*Check all that apply*):
- | | |
|--|--|
| <input type="checkbox"/> The employee's residence | <input type="checkbox"/> The residences of the other protected persons |
| <input type="checkbox"/> The employee's job or workplace | <input type="checkbox"/> The jobs or workplaces of the other protected persons |
| <input type="checkbox"/> The employee's children's school or place of child care | <input type="checkbox"/> The schools or places of child care of the other protected persons's children |
| <input type="checkbox"/> The employee's vehicle | <input type="checkbox"/> The vehicles of the other protected persons |
| <input type="checkbox"/> Other (<i>specify</i>): _____ | |
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 Firearms Prohibition and Relinquishment

- 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:
- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (*You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possess a firearm.

This is a Court Order



9 Other Orders (specify): Granted Denied Granted as Follows:

Additional orders are attached at the end of this Order on Attachment 9.

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve (Notify) Restrained Person Ordered Not Ordered

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item 8 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

This is a Court Order

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form WV-109, *Notice of Court Hearing* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you inflicted or threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have Form WV-120 served on the petitioner or the petitioner's attorney. Serve it by mail within the time given in item ⑤ of Form WV-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the service should complete and sign Form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 5 on page 1.

This is a Court Order

Temporary Restraining Order (CLETS-TWH)
(Workplace Violence Prevention)

WV-110, Page 4 of 5



Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

**DRAFT 4 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employee)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee (Person in Need of Protection)

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Continue Hearing and to Reissue Temporary Restraining Order

I ask the court to continue the hearing currently scheduled for (date): _____ and to reissue the attached *Temporary Restraining Order* (Form WV-110).

a. The attached order was issued on (date): _____ without notice to the respondent.

b. I could not get the order served before the hearing date for the reasons stated:

below on the attached page

c. This is the first request to reissue the Order.

The Order has been previously reissued _____ times.

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

Date: _____

Type or print your name

▶

Sign your name

This is not a Court Order

Order on Request for Continuance and Reissuance and Notice of New Hearing Date

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

4 Current Hearing

A hearing in this case is currently set for (date) _____ at (time) _____ .

5 Request for New Hearing Date

a. A new hearing date was requested by: (1) The petitioner (2) The respondent

b. Because: (1) The respondent could not be served before the current hearing date.

(2) The parties have agreed to postpone the hearing and ask for a new hearing date.

(3) For the reasons stated below on the attached page.

6 Reissuance of Temporary Restraining Order

a. No temporary restraining order was issued in this case.

b. The request to reissue temporary restraining order is **DENIED**.

c. The request to reissue temporary restraining order is **GRANTED**.

The attached *Temporary Restraining Order* (Form WV-110) is reissued.

7 Expiration Date

The attached Temporary Restraining Order expires at the end of the hearing now scheduled for:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order



Warning and Notice to the Respondent

You must continue to obey the attached Temporary Restraining Order until the hearing.

8 Order for Continuance and Notice of Hearing

The court hearing on the *Petition for Orders to Stop Workplace Violence (Form WV-100)* is continued and rescheduled:

Clerk will fill out section below.

<div style="border: 1px solid black; border-radius: 10px; padding: 5px; width: fit-content; margin: 0 auto;"> New Hearing Date </div>	→	Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above: _____ _____ _____
--	---	---	---

- a. A copy of this Order must be served on the respondent at least ___ days before the hearing, along with the other documents requesting orders to stop workplace violence. If reissuance is denied in item 6b on page 1, a copy of the *Temporary Restraining Order (Form WV-110)* must NOT be attached and served.
- b. No further service of this Order is required because both parties were present at the initial hearing date (in item 4), and both were given a signed copy of this Order.

9 Entry of Order Into CARPOS Through CLETS

If the Temporary Restraining Order was reissued (item 6c is checked), this Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, the employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

- Additional law enforcement agencies are listed at the end of this Order in Attachment 9.

This is a Court Order

Order on Request for Continuance and Reissuance and Notice of New Hearing Date (Workplace Violence Prevention)



10 No Fee to Serve (Notify) Respondent **Ordered** **Not Ordered**

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

Date: _____

Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk’s Certificate
[seal]

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order

WV-120-INFO

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

What is a workplace violence protective order?

It is a court order that will prohibit you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from that person and the person’s home, workplace, and other places
- Not have any guns as long as the order is in effect

Who can ask for a workplace violence protective order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

I've been served with a petition to stop workplace violence. What do I do now?

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

What if I don't obey the order?

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

What if I do not agree with what the order says?

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk’s office or county law library, from legal publishers, or on the California Courts website: www.courts.ca.gov/forms.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form WV-120 to the person named in item 1 of the petition, Form WV-100 (or that person’s lawyer). (This is called “service by mail.”)

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

Should I go to the court hearing?

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

WV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Petitioner (Employer)
 Name: _____
 Lawyer for Petitioner (if any):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Address (If you have a lawyer for this case, give your lawyer's information.): _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____

2 Employee in Need of Protection (Protected Person)
 Full Name: _____
 Case Number: _____

3 Respondent (Person From Whom Protection is Sought)
 Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

The court will fill out the rest of this form.
To the Respondent:

4 Notice of Hearing
 A court hearing is scheduled on the request for orders against you:
 Name and address of court if different from above:
 Hearing Date: _____ Date: _____ Time: _____
 Dept: _____ Room: _____

If you want to respond to the request for orders in writing, file Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.

This is a Court Order

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, §§ 527.8 and 527.9
 Approved by 1011

Notice of Court Hearing
 (Workplace Violence Prevention)

WV-109, Page 1 of 3



How long does the order last?

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

Do I need a lawyer?

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

Will I see the employee at the court hearing?

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

What if I have a gun?

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

Can I agree with the employee to cancel the order?

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

What if I am deaf or hard of hearing?**Request for Accommodations**

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

For help in your area, contact:

[Local information may be inserted]

Clerk stamps date here when form is filed.

**DRAFT 3 BG
March 30, 2011**

**Not Approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
Home Address (if known): _____
City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at:

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner/employer represented by *(name)*: _____
 - (2) The lawyer for the petitioner/employer *(name)*: _____
 - (3) The employee (4) The lawyer for the employee *(name)*: _____
 - (5) The respondent (6) The lawyer for the respondent *(name)*: _____ Additional persons present are listed at the end of this Order on Attachment 6.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____

To the Respondent

The court has issued the orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

7 Personal Conduct Orders

- a. You are ordered **not** to do the following things to the employee _____
 and to the other protected persons in **4** :
 - (1) Assault, batter, or stalk the person. _____
 - (2) Commit acts of violence or make threats of violence against the person. _____
 - (3) Follow or stalk the person during work hours or to or from the place of work. _____
 - (4) Contact the person, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means. _____
 - (5) Enter the workplace of the person. _____
 - (6) Take any action to obtain the person's addresses or locations. If this item is not checked, the court has found good cause not to make this order. _____
 - (7) Other *(specify)*: _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

8 Stay-Away Order

- a. You **must** stay at least _____ yards away from the employee _____
 and from each other protected person listed in **4** and from the places listed below *(check all that apply)*:

<input type="checkbox"/> The employee's residence	<input type="checkbox"/> The residences of the other protected persons
<input type="checkbox"/> The employee's job or workplace	<input type="checkbox"/> The jobs or workplaces of the other protected persons
<input type="checkbox"/> The employee's children's school or place of child care	<input type="checkbox"/> The schools or places of child care of the other protected persons' children.
<input type="checkbox"/> The employee's vehicle	<input type="checkbox"/> The vehicles of the other protected persons

 Other *(specify)*: _____

This is a Court Order

b. This stay-away order does not prevent you from going to or from your home or place of employment.

9 Firearms Prohibition and Relinquishment

- 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. If you have not already done so, you must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. *(You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.)*
- c. The court has received information that you own or possess a firearm.

10 Costs

You must pay the following amounts for costs to the petitioner:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Additional items and amounts are attached at the end of this Order on Attachment 10.

11 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 11.

12 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

Name of Law Enforcement Agency Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

This is a Court Order

13 Service of Order on Respondent

- a. Both the respondent and the employee attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
 - (1) Proof of service of Form WV-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) The judge’s orders in this form are different from the temporary restraining orders in Form WV-110. Someone—but not the petitioner or anyone protected by this Order— must personally serve a copy of this order on the respondent.

14 No Fee to Serve Respondent

The sheriff or marshal will serve this Order without charge because:

- a. The Order is based on **unlawful violence**, a credible threat of violence, or stalking.
- b. The petitioner is entitled to a fee waiver.

15 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this 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 as stated in item **9**. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere 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 in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

This is a Court Order.



Case Number:

Start Date and End Date of Orders

This order *starts* on the date next to the judge’s signature above. The order *ends* on the expiration date in item 5.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the orders. Consider the restrained person “served” (noticed) if (Pen. Code, § 836(c)(2).):

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

(Clerk will fill out this part.)

Clerk’s Certificate
[seal]

—Clerk’s Certificate—

I certify that this *Restraining Order After Hearing to Stop Workplace Violence* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is "Service"?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person" service. The *Petition for Orders to Stop Workplace Violence* (Form WV-100), the *Notice of Court Hearing* (Form WV-109), and the *Temporary Restraining Order* (Form WV-110) must be served in person. That means that someone must personally "serve" (give) a copy of the forms to the person to be restrained.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders

The sheriff or marshal may be authorized to serve the court's orders **for free** if the orders are based on claims of stalking, unlawful violence, or a credible threat of violence.

A registered process server is a business you pay to deliver court forms. Look for "Process Serving" in the Yellow Pages or on the Internet.

(If a law enforcement agency or the process server uses a different proof-of-service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form WV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

What if the person won't take the papers or tears them up?

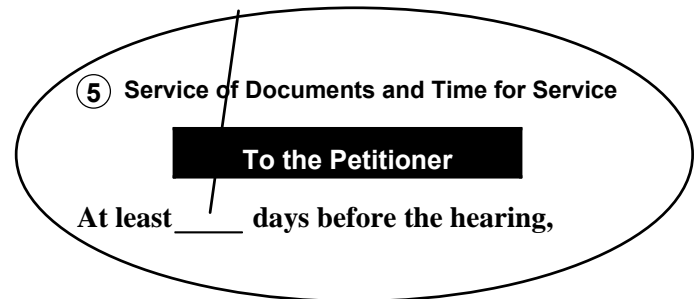
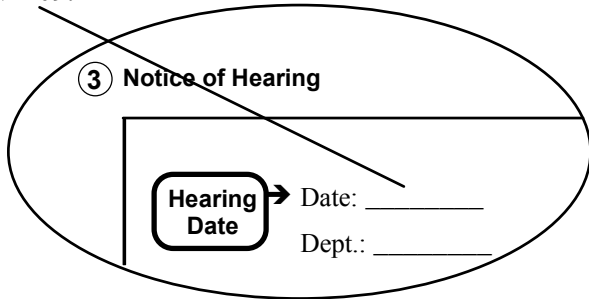
- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form WV-109, *Notice of Court Hearing*.

First, look at the hearing date on page 1 of Form WV-109.

Next, look at the number of days written in item ⑥ on page 2 of Form WV-109.



Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in ⑤, you must serve the orders at least five days before the hearing.

Who signs the Proof of Personal Service?

Only the person who serves the forms can sign Form WV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed Proof of Personal Service?

If someone other than the sheriff serves the papers, you should:

- Make at least five copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (Form WV-110) and *Proof of Personal Service* (Form WV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file Form WV-115, *Request for Continuance and to Reissue Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form WV-116, *Order on Request for Continuance and Reissuance and Notice of New Hearing Date*, to a copy of your original orders. Ask the clerk to enter WV-116 into CLETS or the clerk may ask you or you attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

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

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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Name: _____

PROOF OF SERVICE BY MAIL

4 I am 18 years of age or older and am a resident of or employed in the county where the mailing took place. I am not the petitioner, the employee, or any person listed in item **4** of Form WV-130. I mailed the respondent a copy of:

a. Form WV-130, *Restraining Order After Hearing to Stop Workplace Violence*

b. Other (*specify*): _____

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

a. Mailed from: City: _____ State: _____ b. On (*date*): _____

c. To this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶

Server to sign here

Clerk stamps below when form is filed.

**DRAFT
March 30, 2011**

**Not Approved by the
Judicial Council**

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Request to Renew Restraining Order

I ask the court to renew the *Restraining Order After Hearing to Stop Workplace Violence* (Form WV-130). A copy of the order is attached.

a. The order ends on (date): _____

b. This is my first request to renew the order.

The order has been renewed _____ times already.

c. I want the order to be renewed for three years other (specify): _____

d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps below when form is filed.

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information.):

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail: _____

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Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Court Hearing

The judge has set a court hearing date. *Court will fill in box below.*

The current restraining orders stay in effect until the end of the hearing.

Name and address of court if different from above:

Hearing Date

Date: _____ Time: _____

Dept.: _____ Room: _____

5 Service and Response

To the Petitioner

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

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

This is a Court Order.



Case Number: _____

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

To the Respondent:

If you wish to make a written response to the request to renew the restraining order, you may fill out Form WV-720, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the petitioner at the address in ① at least _____ days before the hearing. Also file Form WV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

At the hearing, the judge can renew the current restraining orders for up to another three years. You *must* continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge if you do not want the orders against you renewed. If the restraining orders are renewed, you *must* obey those orders even if you do not attend the hearing.

Date: _____

Judicial Officer



Requests for Accommodations

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

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT 2 BG
March 30, 2011**

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

- Fill out this form and then take it to the court clerk.
- Have the petitioner served by mail with a copy of this form and any attached pages (*see Form SV-250, Proof of Service of Response by Mail*).

1 Petitioner (Employer)

Name: _____

Court name and street address:
Superior Court of California, County of

2 Employee (Protected Person)

Name: _____

3 Respondent (Restrained Person)

Your Full Name: _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in case number:
Case Number:

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

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

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

4 Response

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

Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3c—Order Requested" for a title. You may use Form MC-025, Attachment.

- d. I ask the court not to renew the order for the following reasons (*specify below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew," for a title.



Case Number:

Date: _____

Lawyer's name, if you have one



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Clerk stamps date here when form is filed.

**DRAFT
March 30, 2011
Not Approved by the
Judicial Council**

1 Petitioner (Employer)

Name: _____
Lawyer for Petitioner (if any):
Name: _____ State Bar No.: _____
Firm Name: _____
Address (If you have a lawyer for this case, give your lawyer's information.):
Street Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

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

4 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

- a. The petitioner
- b. The respondent
- c. The lawyer for the petitioner (name): _____
- d. The lawyer for the respondent (name): _____
- Additional persons present are listed on Form MC-025 Attachment 4.

5 Renewal and Expiration

The request to renew the attached *Restraining Order After Hearing to Stop Workplace Violence*, originally issued on (date) _____, is:

- a. **DENIED.** The attached order expires as stated in item 3 of the order.
- b. **GRANTED.** The attached order is renewed and will now expire on:

Time: _____ a.m. p.m. or midnight on (date): _____

If no expiration date is written here, the order expires three years from the date of the hearing in item 3, above.

Date: _____

Judicial Officer

This is a Court Order

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- 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?

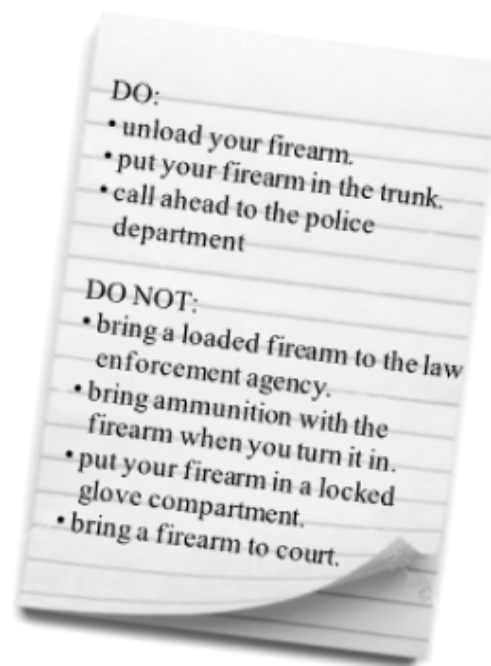
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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)



Item SPR11-60 Response Form

Title: Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ **Title:** _____

Organization: _____

- Commenting on behalf of an organization**

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Thursday, June 30, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.