



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

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on February 28, 2012

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Title	Agenda Item Type
Protective Orders: Urgently Needed Technical Changes to Restraining Order Forms	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms EA-130, JV-245, and JV-250	March 1, 2012
Recommended by	Date of Report
Administrative Office of the Courts Patrick O'Donnell, Supervising Attorney Office of the General Counsel	February 21, 2012
	Contact
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Administrative Office of the Courts Kerry Doyle, Attorney Center for Families, Children, & the Courts	

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### Executive Summary

The Administrative Office of the Courts recommends technical revisions to three Judicial Council forms used in protective order proceedings. Staff has identified significant errors and problems in these three forms that urgently need to be corrected. One current elder abuse prevention form contains a statement that may result in protective orders being issued that inaccurately describe their duration. Two of the current juvenile protective order forms are structured so that they cannot be used to fully provide protection for all persons entitled to protection. To make the corrected forms available to the courts and the public as soon as possible, it is recommended that the necessary technical revisions be made to the forms effective March 1, 2012.

## **Recommendation**

The Administrative Office of the Courts recommends that the Judicial Council make the following form changes, effective March 1, 2012:

1. Revise form EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*, to change in item 4 the statement “expires five years from the date of issuance” to “expires three years from the date of issuance” and to add on page 5 the words “Form CR-160 or” before “Form CR-161.”
2. Revise form JV-245, *Request for Restraining Order—Juvenile*, item 1 and former item 2, to consolidate the lists of protected persons, and item 8 (formerly item 9), to correct the references to protected persons; and
3. Revise form JV-250, *Restraining Order—Juvenile*, item 1 and former item 2, to consolidate the list of protected persons, and item 8 (formerly 9), to add protected persons to the stay-away order and eliminate repetitive language.

The revised forms are attached at pages 5–16.

## **Previous Council Action**

The Judicial Council revised forms EA-130, JV-245 and JV-250, effective January 1, 2012, to implement Assembly Bill 1596. However, the revised elder abuse prevention form for orders after hearing contains an erroneous statement regarding the duration of the orders if no expiration date is expressly provided. Furthermore, two of the revised juvenile forms do not provide an adequate means to request or provide the protection for all persons entitled to protection.

## **Rationale for Recommendation**

### **Revisions to *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130)**

Form EA-130 needs to be corrected because item 4 on the form currently states that, if no expiration date is written on the form, the order “expires five years from the date of issuance.” However, Welfare and Institutions Code section 15657.03(i)(2) provides: “The failure to state the expiration date on the face of the forms creates an order with a duration of three years from the date of issuance.” To accurately reflect the statute, the statement in item 4 needs to be changed to state that the duration is “three years” rather than “five years.”

Also, on page 5 of Form EA-130, the words “Form CR-160 or” needs to be added before “Form CR-161” because a criminal protective order in a criminal case on either of those two forms takes precedence in enforcement over any conflicting civil court order.

### **Revisions to *Request for Restraining Order—Juvenile (JV-245)* and *Restraining Order—Juvenile (JV-250)***

When *Request for Restraining Order—Juvenile (JV-245)* and *Restraining Order—Juvenile (JV-250)* were circulated for comment in spring 2011, the forms had all persons needing protection listed together in item 1. After the comment period, the forms were modified to list the person to be protected in item 1 and additional persons to be protected in item 2. This change was made for consistency across case types. However, on the *Request for Restraining Order (form JV-245)* submitted to the council, this division of the protected person and other protected persons into two separate items (items 1 and 2) was inadvertently not carried over into the requested personal conduct orders—so the form is now internally inconsistent. On the current form, there is no way to request certain orders protecting the additional persons in item 2 even though the intent, as demonstrated in the version circulated for comment, was for the form to be usable to request protection for multiple persons. To correct this, the form has been revised to list together all persons needing protection in item 1, rather than separating the protected person and additional protected persons into two separate items. On form JV-245, the subsequent items providing for the protection of a person or persons will then apply to all the persons listed in item 1.

*Restraining Order—Juvenile (form JV-250)*, also needs to be revised to consolidate the lists of protected persons. In addition, current item 9b on the form provides that the restrained person must stay at least a specified number of yards away from various places and persons. However, there is currently nowhere on the form for a stay away order for the protected person or persons; only for additional protected persons and the protected person’s job, home, vehicle, and school. Thus, item 9b(1) (revised to be item 8b(1)) needs to be modified to read: “protected person or persons in item 1, except for visitation as indicated in c below.” This would be consistent with the version of the form that went out for comment, which included a stay-away order for the protected person. Also, the statement in current item 9b that the person must stay away from the “job or workplace of the person in item 1” is repeated twice. Only one of these statements is included in item 8b, the revised version of this item.

These technical changes make both the request form, JV-245, and the order form, JV-250, consistent both internally and with each other, by allowing a request and orders for one or multiple protected persons, and one or multiple other persons.

### **Comments, Alternatives Considered, and Policy Implications**

These proposed revisions to the three forms were not circulated for public comment because they are noncontroversial, involve technical revisions, and therefore are within the Judicial Council’s purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

The option of leaving the forms unchanged at this time was considered but, given the nature of the errors, it was deemed important to correct these forms promptly to avoid any potential problems regarding the scope and effectiveness of orders issued using the forms.

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

Operational impacts are expected to be minor. The proposed revisions to the three forms may result in some reproduction costs if courts provide hard copies of any of the forms recommended for revision. These are not forms that are typically prepared in forms packages that are distributed by courts.

### **Attachments**

1. Revised forms EA-130, JV-245, and JV-250

Clerk stamps date here when form is filed.

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

Fill in case number:  
**Case Number:**

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

**① Protected Elder or Dependent Adult**

a. 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 for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**② Restrained Person**

Full Name: \_\_\_\_\_

Description:

Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Date of Birth: _____
Hair Color: _____	Eye Color: _____	Age: _____	Race: _____
Home Address (if known): _____			
City: _____		State: _____	Zip: _____
Relationship to Protected Person: _____			

**③  Additional Protected Persons**

In addition to the elder or dependent adult 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, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
  - (3)  Take any action to obtain the person's address or location. If this item is not checked, the court has found good cause not to make this order.
  - (4)  Other *(specify)*:  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

**7  Stay-Away Orders**

- a. You **must** stay at least \_\_\_\_\_ yards away from *(check all that apply)*:
- (1)  The elder or dependent adult in ①
  - (2)  Each person in ③
  - (3)  The home of the elder or dependent adult
  - (4)  The job or workplace of the elder or dependent adult
  - (5)  The vehicle of the elder or dependent adult
  - (6)  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**  **No Guns or Other Firearms and Ammunition**

*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 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.

**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's 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.**

**To the Person in ① :**

**⑬ Mandatory Entry of Order Into CARPOS Through CLETS**

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

- a.  The clerk will enter this Order and its proof-of-service form into CARPOS.
- b.  The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this Order is made, 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 CARPOS:

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 person in ② personally attended 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 Notice to the Restrained Person in ②:**

**You Cannot Have 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.

**This is a Court Order.**



**Instructions for Law Enforcement**

**Enforcing the Restraining Order**

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

**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge’s signature on page 4 and *ends* on the expiration date in 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. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the orders. 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 CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

**If the Protected Person Contacts the Restrained Person**

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

**Conflicting Orders**

A protective order issued in a criminal case on Form CR-160 or 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 *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

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

**This is a Court Order.**



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i>  <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. <i>(Optional)</i>: _____</p> <p>E-MAIL ADDRESS <i>(Optional)</i>: _____</p> <p>ATTORNEY FOR <i>(Name)</i>: _____</p>	<b>FOR COURT USE ONLY</b>  <h2 style="margin: 0;">Draft 2 02/21/12 mc</h2> <h2 style="margin: 0;">Not approved by</h2> <h2 style="margin: 0;">Judicial Council</h2>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER: JUVENILE: FAMILY:
<b>REQUEST FOR RESTRAINING ORDER—JUVENILE</b>	RELATED CASES <i>(if any)</i> :

**1. Person or persons needing protection**

<u>Full Name</u>	<u>Age</u>	<u>Relationship to child</u>
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**2. a. Person to be restrained (full name):**

<b>b. DESCRIPTION:</b>  Sex: <input type="checkbox"/> M <input type="checkbox"/> F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____
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**3 The child is**

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

**4. Petitioner is the**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> mother</li> <li>b. <input type="checkbox"/> father</li> <li>c. <input type="checkbox"/> child</li> <li>d. <input type="checkbox"/> guardian</li> <li>e. <input type="checkbox"/> social worker</li> <li>f. <input type="checkbox"/> probation officer</li> </ul> | <ul style="list-style-type: none"> <li>g. <input type="checkbox"/> present caregiver of child</li> <li>h. <input type="checkbox"/> court-appointed special advocate</li> <li>i. <input type="checkbox"/> representative of Indian child's tribe</li> <li>j. <input type="checkbox"/> other <i>(state interest or relationship to child)</i>:</li> </ul> |
|---|---|

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

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

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

7.  A criminal protective order on form CR-160 is in effect against the person sought to be restrained:
- a.  Case number: \_\_\_\_\_ expiration date: \_\_\_\_\_
  - b.  County *(if known)*: \_\_\_\_\_
  - c.  Person protected by order: \_\_\_\_\_
  - d.  Person restrained by order: \_\_\_\_\_

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

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

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

Date:

\_\_\_\_\_

(TYPE OR PRINT NAME)

 \_\_\_\_\_

(SIGNATURE OF PETITIONER)



ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):  <hr/> TELEPHONE NO. ( <i>Optional</i> ): _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 2 02/14/12 mc</b> <b>Not approved by</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>RESTRAINING ORDER—JUVENILE</b> <input type="checkbox"/> Temporary Order <input type="checkbox"/> Notice of Hearing <input type="checkbox"/> Order After Hearing	CASE NUMBER:

**1. Person or persons to be protected**

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to child</u>
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**2. Person to be restrained (full name):** \_\_\_\_\_ *Relationship to child:* \_\_\_\_\_

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

3.  Temporary order not granted. The hearing is set as below.

4.  Temporary order

- a.  Person to be restrained received notice.
- b.  Person to be restrained did not receive notice.
- c.  **This temporary order will expire at midnight on the date of the hearing listed below**
- d. If, at the hearing, the judge makes a restraining order which has the same orders as in the temporary order, the restrained person will get a copy of that order by mail at his or her last known address (*write restrained person's address*):  
*If this address is not correct or to determine whether the orders were made permanent, contact the clerk of this court.*

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

**TO THE PERSON TO BE RESTRAINED**

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

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

6.  Order after hearing

- a. This order after hearing expires on (*date and time*):
  - If no end date is written, the restraining order ends three years after the date of the hearing, as indicated below.
  - If no time is written, the restraining order ends at midnight on the end date.
- b. Date hearing held: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

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

**THE COURT FINDS AND ORDERS**

**7. Restrained person (ward)**

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

**8. Restrained person**

**a. must not do the following things to the person or persons in item 1.**

- (1)  molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, contact, or disturb the peace
- (2)  contact, either directly or indirectly, by mail or otherwise  
 except for visitation as indicated in c below.

**b.  must stay away at least (*specify*) \_\_\_\_\_ yards from:**

- (1)  protected person or persons in item 1, except for visitation as indicated in c below
- (2)  home of person or persons in item 1
- (3)  job or workplace of person or persons in item 1
- (4)  vehicle of person or persons in item 1
- (5)  school of person or persons in item 1
- (6)  the children's school or child care
- (7)  other (*specify*):

**c.  has the right to visit the minor children named in item 1 as follows:**

- (1)  None
- (2)  Visitation according to the attached schedule (*form JV-205 must be attached if any visitation is ordered*)

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

and take only personal clothing and belongings.

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



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

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

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

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

12. **Other orders** (specify): \_\_\_\_\_

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

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

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

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

**Warnings to the Restrained Person**

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

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

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

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

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

### Certificate of Compliance With VAWA for Temporary Orders

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

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

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

### CLERK'S CERTIFICATE

[SEAL]

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

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