



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 26, 2012

Title	Agenda Item Type
Protective Orders: <i>Emergency Protective Order Form</i>	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise Form EPO-001	January 1, 2013
Recommended by	Date of Report
Family and Juvenile Law Advisory Committee	September 11, 2012
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Executive Summary

The Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the *Emergency Protective Order* (form EPO-001) be revised to clarify and highlight the firearms provisions that apply when the order is issued and to collect information whether firearms have been reported, observed, searched for, or seized. The committees also recommend that the form be reorganized and other changes be made so that the form is more effective and easier to understand.¹

¹ This proposal was developed by the Protective Orders Working Group based on recommendations from the Domestic Violence Practice and Procedure Task Force. The working group is composed of members from several different Judicial Council advisory committees. It is chaired by Judge Jerilyn L. Borack and Judge Patricia M. Lucas.

Recommendation

The Family and Juvenile Law and the Civil and Small Claims Advisory Committees recommend that the Judicial Council, effective January 1, 2013, revise the *Emergency Protective Order* (form EPO-001) to highlight the firearms provisions and collect information whether firearms have been reported, observed, searched for, or seized.

Revised form EPO-001 is attached at pages 10–11.

Previous Council Action

The Judicial Council adopted the emergency protective order (EPO) form effective July 1, 1988. It is used by law enforcement officers in the field in situations involving domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking. When it is appropriate to issue an emergency order, the officer contacts a judicial officer by telephone or other means to request the order. If the order is issued, the law enforcement officer prepares the order using the standardized Judicial Council EPO form adopted for this purpose. Copies of the completed form are distributed to the protected person, the restrained person, the issuing agency, and the court. The EPO form was last revised effective January 1, 2007.

Rationale for Recommendation

Revisions to the EPO form are necessary and desirable

The main reasons for revising the EPO form are to clarify and highlight the restrictions on firearms and ammunition in the order and to collect information whether firearms have been reported, observed, searched for, or seized in connection with an incident. Other proposed changes would improve the clarity and understandability of the form.

The EPO form needs to be revised at this time. Although there is no new statutory mandate to revise this form by a particular date, the current form does not meet all statutory requirements for prohibition and relinquishment of firearms. Penal Code section 29825(d) provides:

The Judicial Council shall provide notice on all protective orders that the respondent is prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm while the protective order is in effect. The order shall also state that the firearm shall be relinquished to the local law enforcement agency for that jurisdiction or sold to a licensed gun dealer, and that proof of surrender or sale shall be filed within a specified time of receipt of the order. The order shall state the penalties for a violation of the prohibition. The order shall also state on its face the expiration date for relinquishment.

The current form does not contain the required relinquishment information and provides the prohibition information only with the warnings and information on page 2. It also has outdated Penal Code section numbers on page 2 for the firearms prohibition.

For these reasons, and because the proposed revisions will improve public safety and increase the effectiveness of orders issued using the form, the revisions are recommended to become effective January 1, 2013.

The proposed changes to the EPO form will benefit the persons protected by and served with emergency protective orders and others by providing the required firearms prohibition and relinquishment information directly in the order. Law enforcement and the courts will also benefit from having information included on the form about whether firearms were observed, reported, searched for, or seized in the case. The reorganization and revision of the form order to correspond to the content, language, and format of standard domestic violence restraining orders will make the form easier to use and understand.

Specific revisions to the EPO form

Reorganization of the EPO form. The current EPO form is rather difficult to understand because of its layout. It has been reorganized to place the Emergency Protective Order at the top of the form instead of in the middle, between the application and the proof of service. This organization, with the title “Emergency Protective Order” at the top instead of “Application for Emergency Protective Order,” makes the primary purpose of the form clearer—that is, it is a protective order.

Description of protected and restrained persons. At the top of the first page of the Emergency Protective Order in items 1 and 2, “PERSONS TO BE PROTECTED” has been replaced by “PROTECTED PERSONS” and “PERSON TO BE RESTRAINED” has been replaced by “RESTRAINED PERSON.” These changes are being made because the order served on the protected and restrained persons by law enforcement will already have been granted based on a telephone call to a judicial officer. Thus, the new designations are clearer and more accurate.

In the revised form, the items identifying the protected persons and restrained person (items 1 and 2) have been located inside the box for the Emergency Protective Order—making the intent of the order plainer and easier to understand.

Highlighting of firearms prohibition. In the Emergency Protective Order section of the EPO form on the front page, a new provision has been added as item 3d stating:

YOU MUST NOT own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms, you must turn them in to a law enforcement agency or sell them to a licensed gun dealer (see page 2).

These firearms prohibitions and relinquishment provisions have been required by law for some time. As noted above, a warning notice about the firearms prohibitions is currently included in the information on the top of the second page of the existing EPO form. But nothing about firearms is stated in the order on the first page. Placing the firearms restrictions and

relinquishment requirements directly in the order on page 1, instead of just in the information on the reverse side of the form, will give them greater force and prominence.

Other orders. The orders in item 3 have been revised so that they correspond more closely to the language, content, and format of the orders in the current domestic violence prevention forms. This uniformity will make it easier for courts and others considering the orders on the EPO form to analyze, interpret, and apply them.

Instructions on bringing the EPO form to court and filing in juvenile cases. A new statement has been added in item 6, which provides information on the location of the court where requests for restraining orders should be filed. It states: “If you go to court to request restraining orders, take your copy of this form with you.” This instruction will assist the courts by encouraging persons seeking emergency protective orders to provide a copy of the completed EPO form to the judicial officer considering a request for a restraining order. In addition, a statement has been added at the end of item 6: “If a juvenile petition is pending, file in that court.” This will help ensure that requests for orders are filed in the proper court.

Judicial officer approval. The place for law enforcement to indicate the judicial officer’s approval has been shortened, for reasons of space, from two lines to one, without changing anything substantively. It will read as follows:

Judicial officer (*name*): _____ granted this
Order on (*date*): _____ at (*time*): _____

This line will be located at item 8, at the end of the Emergency Protective Order box, rather than at the end of the Application for Emergency Protective Order section, as provided in the current form.

Identification of firearms. An important change in the form is to require law enforcement to provide specific information about any firearms at the scene. In the Application section of the revised EPO form, after the space for the text to describe the events that cause the protected person to fear immediate and present danger, the following new line, with check boxes, has been added for law enforcement to identify the presence of any firearms. (See item 10.)

Firearms were: observed reported searched for seized

Name of person providing information. On the current EPO form, a line at the top identifies the name of the person who provided the information in the application. This line has been deleted because of lack of space.

Elimination of items. Because of space limitations, some text in the current EPO form needs to be eliminated from the first page so that the proposed firearms prohibitions and relinquishment provisions can be added. Not all of the items on the current form are required by statute. Though

helpful, some of these items are not legally necessary. (See Fam. Code, §§ 6240–6275.) This report recommends retaining most of the text from the current form while eliminating three existing items to permit the new items described above to be added.² As discussed further below, one of the items that has been removed is repetitive and other two do not appear to be generally used.

The invitation to comment on this proposal noted that, if any items were to be added to or reinstated on the EPO form, it was very important to explain the need for and priority of these changes. Because of the manner in which the form is used by law enforcement, the Emergency Protective Order, Application, and Proof of Service on the EPO form must all fit on one page. The reverse side, which contains instructions, must also be limited to one page. The form is completed by law enforcement officers in the field using an NCR form—that is, a form that, when manually completed, has an original and multiple copies to be distributed to the protected persons, restrained person, the court, and law enforcement. For these reasons, the one-page, two-sided EPO form with printed instructions on the reverse side cannot be expanded to additional pages.

Given these strict page limitations, the invitation to comment stated that suggestions for additions or reinstatements of text had to provide clearly not only an explanation of the reasons for including the text, but also an indication of what text might be removed from the revised EPO form to include the new text.

Instructions on the reverse side. On the reverse side of the EPO form, the Penal Code section references have been changed to reflect recent renumbering of the firearms statutes.

Footer. In the footer on page 1, the reference to the Family Code section has been changed from “§ 6200 et seq.” to “§§ 6240–6275” because this more specific reference would be more useful to users.

Comments, Alternatives Considered, and Policy Implications

This proposal was circulated for public comment between April 17 and June 20, 2012, as part of the regular spring 2012 comment cycle. Eleven comments were received. The commentators included the Domestic Violence Legal Roundtable, the Harriett Buhai Center, a local bar association, the State Bar of California’s Standing Committee on the Delivery of Legal Services,

² Specifically, the following items (5b, 6, and 7) from the Application portion of the on the current EPO form have been removed:

Item 5b: “[] The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3.”

Item 6: “[] A child welfare worker or probation officer has advised the undersigned that a juvenile court petition [] has already been filed. [] will be filed. [] will NOT be filed.”

Item 7: “[] Adult Protective Services has been notified.”

two sheriff's offices, three superior courts, and the Trial Court Presiding Judges and Court Executives Advisory Committees' Joint Rules Working Group. A chart summarizing the comments is attached.³

General

The comments were generally quite supportive of the proposal, although the commentators made a number of specific suggestions regarding the revisions to the form. Only one commentator questioned whether the EPO form needs to be changed at all.

As explained above, the main purpose in revising the EPO form was to include and highlight the restrictions on firearms and ammunition in the order and to clarify whether firearms have been reported, observed, searched for, or seized in connection with an incident. Most commentators that considered this matter agreed that the proposed changes adequately addressed the stated purpose of the proposal. (See comments 2, 4, 6, 7, and 10.)

One commentator questioned the need to change the form and specifically questioned whether the firearms restriction needs further highlighting. (See comment 9.) After reviewing all the comments, the committees continue to support the original recommendation of the Domestic Violence Practice and Procedure Task Force that the EPO form be revised to conform to the statutory requirements and to make it clearer that firearms restriction apply to emergency protective orders. There are important public safety reasons to revise the EPO form. Expressly including firearms relinquishment provisions in the order on the front page of the EPO form and highlighting this matter will enable the form to meet the statutory requirements of Penal Code section 29825(d), provide greater protection for protected persons, and provide better notice of the firearms relinquishment requirements to restrained persons. Also, the revised form will include important information for the courts and law enforcement about whether firearms were observed, reported, searched for, or seized in a particular case. The revisions to the EPO form should have minimal impacts on the courts. For all these reasons, it is appropriate to revise the form at this time.

Layout and organization

In addition to highlighting the firearms restrictions, the form's layout has been modified to emphasize the Emergency Protective Order and clarify the organization. In revising form EPO-001, the alternative of retaining the existing organization and layout was considered. However, based on discussions, the conclusion was reached that the proposed new organization and layout

³ At the suggestion of the Joint Rules Working Group, further comments were solicited from law enforcement agencies on the specific issue whether there would be sufficient time between late October 2012 and the beginning of January 2013 for agencies to copy and distribute the revised EPO form. The agencies' responses to this question are included in the chart and discussed below.

were a significant improvement over the existing format. Hence, the version of the form that was circulated and is recommended the reorganized version.

The commentators supported the changes to the layout and organization. They agreed that these improved the form. (See, for example, comment 1 (“We do prefer the reorganized EPO form”) and comment 2 (“the reorganization of the form to place the EPO at the top will help the affected parties understand that the form is in fact a protective order”).)

Some commentators also indicated that they liked the box around the emergency protective order and made suggestions such as making the box bold and adding an additional box around the application. Based on this feedback, the committees recommend further revising the EPO form to include three bold boxes, one around each section on page 1: the Emergency Protective Order, the Application, and the Proof of Service. These boxes will improve the readability and comprehensibility of the EPO form.

Contents of the revised EPO form

Because the EPO form must be a one-page, manually fillable form with instructions on the reverse side, this proposal necessarily involves eliminating some of the text on the first page to permit the new items described above to be added. Thus, items 5b, 6, and 7 on the current EPO form have been deleted. Some commentators agreed that this was completely appropriate. (See, for example, comment 1 (“We do not think any of the deleted items need to be reinstated or any other items added”).) However, some other commentators proposed reinstating some or all of the deleted language.

The suggestion to retain all the previous language from items 5b, 6, and 7 of the Application portion of the EPO form is not feasible unless the form remains virtually unchanged. Although two commentators recommended this approach (see comments 9 and 10), it is not consistent with the purposes of this proposal, which is to highlight the statutory firearms prohibition and relinquishment requirements. After reviewing the comments, the advisory committees recommend not attempting to reinstate the three individual items removed from the EPO form.

An item in the current EPO form on which some commentators focused was item 5b of the Application, which relates to child abduction. (See comment 2.) This item indicates that that the immediate danger of child abduction may be a ground for issuing an emergency protective order.⁴ However, a separate two-line statement on this subject in the Application is not necessary because the instructions to the law enforcement officer in item 9 of the revised form about the events to be described that support the issuance of the order include the “immediate

⁴ It provides, after a check box: “The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 3 [renumbered as 9].”

and present danger of ...child abduction” as a specific ground. So including a separate item on this is repetitive. Furthermore, the experience of persons using the EPO forms is that items 6 and 7 of the Application are rarely used; so eliminating these will not significantly affect the usefulness of the form.⁵

Other changes to the form

Based on the comments, several other modifications have been made to the EPO form, which will make it better and more accurate without requiring the use of additional space. For example, the current form states that the emergency protective order will expire at 5:00 p.m. on a date to be specified on the form. This is inaccurate. (See Fam. Code, § 6256.) To better reflect the applicable statute and the practical situation today in which many courts are closing before 5 p.m., the statement about the expiration of orders in item 5 has been revised to read: “This order will expire at the close of the court business day on” the date specified in the order.

Other changes have been made to make the form more legally accurate. The current form states: “If you need protection for a longer period of time, you must request restraining orders at (*court name and address*):.” This has been revised to state: “If you need protection for a longer period of time, you must request restraining orders from the court in the county where you live: (*Name and address of court*):.” Also, the instruction “To the protected person” on page 2 has been revised to remove language that suggested that the court on page 1 might not be the court of residence. These changes have been made because the emergency protective order statutes require that the court entered on the EPO form be the court of the protected person’s (or child in danger of abduction’s) residence. (See Fam. Code, § 6253(c); Pen. Code, § 646.91(b)(3).)

Time for implementation

A final question that was considered in connection with this proposal was whether or not, if the EPO form is revised by the Judicial Council in late October 2012, there will be sufficient time for copies to be made of the form if it becomes effective on January 1, 2013. After this question was raised by the Joint Rules Working Group, staff contacted various law enforcement agencies and asked them: “Would your agency have sufficient time to photocopy and distribute the revised form to officers if the revised form was approved by the Judicial Council in late October for an effective date of January 1, 2013? If not, how much lead time would your agency require?”

⁵ Also, to the extent that item 6 was meant to ensure that the EPO form would contain information about any pending juvenile court proceedings for filing and jurisdictional purposes, this has been addressed on the revised EPO form by adding a short new sentence at the end of item 6 stating: “If a juvenile petition is pending, file in that court.”

Three agencies submitted supplemental comments on this question. (See comments 12, 13, and 14.) In addition, two other commentators included comments on this issue in their regular comments. (See comments 7 and 10.) All agreed that two months' notice was sufficient time to implement the revised EPO form.⁶ Based on this information and the importance of protecting members of the public, the advisory committees recommend that the revised EPO form become effective on January 1, 2013, as proposed.

Implementation Requirements, Costs, and Operational Impacts

The revised EPO form will be used by law enforcement officers in the field to prepare emergency protective orders to be used in situations involving domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking. The main responsibility for implementing the use of the EPO form will fall on law enforcement officers, who will need to contact the courts to request issuance of the orders and prepare copies of the orders for distribution. The cost of reproducing copies of the revised form will be borne by law enforcement.

Both law enforcement and the courts will require some information and training about the revisions to the EPO form. The revisions will benefit law enforcement, the courts, and persons who are served with copies of the order. Most important, the revisions will highlight and clarify the firearms prohibition and relinquishment requirements for those subject to protective orders—thus improving public safety. The proposed revisions will also ensure that law enforcement and the issuing judicial officer will know if firearms were observed, reported, searched for, or seized in the case.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal will further the Strategic Plan for California's Judicial Branch, 2006–2012, by improving access to court proceedings (Goal I) and modernizing court management and administration (Goal III, objective 4 (“uphold the integrity of court orders, protect court user safety, and improve public understanding of compliance requirements...”).

Attachments

1. Revised form EPO-001 at pages 10–11.
2. Comment chart and responses at pages 12–27.

⁶ One commentator, however, did state that having an additional six months to implement the form would be beneficial so that agencies would not over-order the form. (See comment 7.) But this problem should be able to be addressed by promptly informing agencies of the EPO form change in October 2012, so that they do not over-order copies of the old form.

EMERGENCY PROTECTIVE ORDER (See reverse for important notices.)

1. **PROTECTED PERSONS** (insert names of all persons protected by this Order):

2. **RESTRAINED PERSON** (name): _____
 Sex: M F Ht.: _____ Wt.: _____ Hair color: _____ Eye color: _____ Race: _____ Age: _____ Date of birth: _____

3. **TO THE RESTRAINED PERSON:**

a. **YOU MUST NOT** harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy any personal property of, disturb the peace of, keep under surveillance, or block the movements of each person named in item 1.

b. **YOU MUST NOT** contact, either directly or indirectly, by any means, including but not limited to by telephone, mail, e-mail or other electronic means, any person named in item 1.

c. **YOU MUST** stay away at least: _____ yards from each person named in item 1.
 stay away at least: _____ yards from move out immediately from
 (address): _____

d. **YOU MUST NOT** own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms, you must turn them in to a law enforcement agency or sell them to a licensed gun dealer (see page 2).

e. **YOU MUST NOT** take any action, directly or through others, to obtain the addresses or locations of any person named in item 1.

4. (Name): _____ is given temporary care and control of the following minor children of the parties (names and ages): _____

5. **THIS ORDER WILL EXPIRE AT THE CLOSE OF THE COURT BUSINESS DAY ON:** _____

6. **TO THE PROTECTED PERSON:** If you need protection for a longer period of time, you must request restraining orders from the court in the county where you live:
 (Name and address of court): _____
 If you go to court to request restraining orders, take your copy of this form with you. If a juvenile petition is pending, file in that court.

7. Reasonable grounds for the issuance of this Order exist, and an emergency protective order is necessary to prevent the occurrence or recurrence of domestic violence, child abuse, child abduction, elder or dependent adult abuse, or stalking.

8. Judicial officer (name): _____ granted this Order on (date): _____ at (time): _____

INSERT DATE OF FIFTH COURT DAY OR SEVENTH CALENDAR DAY, WHICHEVER IS EARLIER; DO NOT COUNT DAY THE ORDER IS GRANTED

APPLICATION

9. The events that caused the protected person to fear immediate and present danger of domestic violence, child abuse, child abduction, elder or dependent adult abuse (except solely financial abuse), or stalking are (give facts and dates; specify weapons):

10. Firearms were: observed reported searched for seized

11. The person to be protected lives with the person to be restrained and requests an order that the restrained person move out immediately from the address in item 3c.

12. The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 9. A custody order does does not exist.

By: _____
 (PRINT NAME OF LAW ENFORCEMENT OFFICER) (SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: _____ Telephone No.: _____ Badge No.: _____

PROOF OF SERVICE

13. Person served (name): _____

14. I personally delivered copies of this Order to the person served as follows: Date: _____ Time: _____
 Address: _____

15. At the time of service, I was at least 18 years of age and not a party to this cause. I am a California law enforcement officer.

16. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
 Date: _____
 _____ (TYPE OR PRINT NAME OF SERVER) _____ (SIGNATURE OF SERVER)

**EMERGENCY PROTECTIVE ORDER
WARNINGS AND INFORMATION**

EPO-001

TO THE RESTRAINED PERSON: VIOLATION OF THIS ORDER IS A MISDEMEANOR PUNISHABLE BY A \$1,000 FINE, ONE YEAR IN JAIL, OR BOTH, OR IT MAY BE PUNISHABLE AS A FELONY. THIS PROTECTIVE ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS IN THE STATE OF CALIFORNIA WHO ARE AWARE OF OR SHOWN A COPY OF THE ORDER. THE TERMS AND CONDITIONS OF THIS ORDER REMAIN ENFORCEABLE REGARDLESS OF THE ACTS OF THE PARTIES; IT MAY BE CHANGED ONLY BY ORDER OF THE COURT (PENAL CODE SECTION 13710(b)).

YOU ARE PROHIBITED FROM OWNING, POSSESSING, PURCHASING, RECEIVING, OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION (PENAL CODE SECTIONS 29825(a), 30305(a)). A VIOLATION IS SUBJECT TO A \$1,000 FINE AND IMPRISONMENT OR BOTH. YOU MUST TURN IN YOUR FIREARMS TO A LAW ENFORCEMENT AGENCY OR SELL THEM TO A LICENSED GUN DEALER WITHIN 24 HOURS OF RECEIPT OF THIS ORDER. PROOF OF SURRENDER OR SALE MUST BE FILED WITH THE COURT WITHIN 48 HOURS OF RECEIPT OF THIS ORDER.

To the restrained person: This order will last until the date and time in item 5 on the reverse. The protected person may, however, obtain a more permanent restraining order from the court. You may seek the advice of an attorney on any matter connected with this order. The attorney should be consulted promptly so that the attorney may assist you in responding to the order.

A la persona bajo restricción judicial: Esta orden durará hasta la fecha y hora indicada en el punto 5 al dorso. La persona protegida puede, sin embargo, obtener una orden de entredicho (restricción judicial) más permanente de la corte. Usted puede consultar a un abogado en conexión con cualquier asunto relacionado con esta orden. Debe consultar al abogado inmediatamente para que él o ella le pueda ayudar a responder a la orden.

To the protected person: This order will last only until the date and time noted in item 5 on the reverse. If you wish to seek continuing protection, you will have to apply for an order from the court at the address in item 6. You may apply for a protective order free of charge. In the case of an endangered child, you may also apply for a more permanent order at the address in item 6, or if there is a juvenile dependency action pending, you may apply for a more permanent order under section 213.5 of the Welfare and Institutions Code. In the case of a child being abducted, you may apply for a *Child Custody and Visitation Order* from the court. You may seek the advice of an attorney on any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application. You do not have to have an attorney to get the protective order.

A la persona protegida: Esta orden durará sólo hasta la fecha y hora indicada en el punto 5 al dorso. Si usted desea que la protección continúe, tendrá que solicitar una orden de la corte en la dirección indicada en el punto 6. La solicitud de la orden de protección es gratis. En el caso de que un niño o una niña se encuentre en peligro, puede solicitar una orden más permanente en la dirección indicada en el punto 6, o si hay una acción legal pendiente de tutela juvenil, puede solicitar una orden más permanente conforme a la sección 213.5 del código titulado en inglés **Welfare and Institutions Code**. En el caso del secuestro de un niño o una niña, usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody and Visitation Order*). Puede consultar a un abogado en conexión con cualquier asunto relacionado con las solicitudes de órdenes de la corte que usted presente en el futuro. Debe consultar un abogado inmediatamente para que él o ella le pueda ayudar a presentar su solicitud. Para obtener la orden de protección no es necesario que un abogado le represente.

To law enforcement: Penal Code section 13710(c) provides that, "[u]pon request, law enforcement agencies shall serve the party to be restrained at the scene of a domestic violence incident or at any time the party is in custody." The officer who requested the emergency protective order, while on duty, shall carry copies of the order. The emergency protective order shall be served upon the restrained party by the officer, if the restrained party can reasonably be located, and a copy shall be given to the protected party. A copy also shall be filed with the court as soon as practicable after issuance. The availability of an emergency protective order shall not be affected by the fact that the endangered person has vacated the household to avoid abuse. A law enforcement officer shall use every reasonable means to enforce an emergency protective order issued pursuant to this subdivision. A law enforcement officer acting pursuant to this subdivision shall not be held civilly or criminally liable if he or she has acted in good faith with regard thereto.

If a child is in danger of being abducted: This order will last only until the date and time noted in item 5 on the reverse. You may apply for a child custody order from the court.

En el caso de peligro de secuestro de un niño o de una niña: Esta orden será válida sólo hasta la hora y fecha indicada en el punto 5 al dorso. Usted puede solicitar de la corte una orden para la guarda del niño o de la niña (*Child Custody and Visitation Order*).

This emergency protective order is effective when made. This order shall expire on the date and time specified in item 5 on the reverse. The provisions of this emergency protective order take precedence in enforcement over provisions of other existing protective orders between the same protected and restrained persons to the extent the provisions of this order are more restrictive. In other words, the provisions in this emergency protective order take precedence over the provisions in any other protective order, including a criminal protective order, if (1) the person to be protected is already protected by the other protective order, (2) the person to be restrained is subject to that other order, and (3) the provisions in this emergency order are more restrictive than the provisions in that other order. The provisions in another existing protective order remain in effect and take precedence if they are more restrictive than the provisions in this emergency protective order.

SPR12-26

Protective Orders: *Emergency Protective Order* Form (revise Form EPO-001)

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

	Commentator	Position	Comment	Committees' Response
1.	Domestic Violence Legal Roundtable By Staci Martin	AM	<p>1. We do prefer the reorganized EPO form.</p> <p>2. Other changes in layout:</p> <p>a. Include the title EMERGENCY PROTECTIVE ORDER at the top of the form in the box.</p> <p>b. Put a box around the APPLICATION section. We love the boxes!</p> <p>3. We do not think any of the deleted items need to be reinstated or any other items added.</p> <p>4. Electronic version- What are you envisioning</p>	<p>1. The committees note the commentator's preference for the reorganization.</p> <p>2. Other changes in layout:</p> <p>a. The committees disagreed with this suggestion because relocating the title would be difficult to accomplish. The Law Enforcement Case Number box is at the same level as the title, and that creates space issues. However, based on other comments (see below), the committees recommend revising the EPO form to include three boxes around the Emergency Protective Order, Application, and Proof of Service. As a result, it will be clear from the new layout of the EPO form that the title above each box, including EMERGENCY PROTECTIVE ORDER, applies to the box immediately below the title.</p> <p>b. The committees agreed and recommend three (rather than two) boxes to improve the visual appearance of the form: thicker and darker boxes have been placed around all three separate components of the form (the Order, Application, and Proof of Service). This makes the form easier to read and understand.</p> <p>3. The committees generally agreed; however, they recommend adding language relating to firearms relinquishment in response to comment 7.</p> <p>4. Electronic version - There will be ongoing</p>

SPR12-26

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	Commentator	Position	Comment	Committees' Response
			<p>in terms of range of options? We like an electronic version to be available to law enforcement and courts only, but not to victims/perps. This is a great idea since the carbon copies are illegible sometimes.</p> <p>5. We would change "APPLICATION" to read "APPLICATION FOR EMERGENCY PROTECTIVE ORDER."</p> <p>6. Is there a way to improve the quality of the carbon on the hard copies?</p>	<p>discussions with law enforcement and court personnel over possible technology improvements to the current system of using NCR paper forms. Currently, no changes are planned.</p> <p>5. The committees disagreed. The simple title "APPLICATION" is clearer and less like to be confused as part of the order.</p> <p>6. The quality of carbon imprints is outside of the control of the Judicial Council. The form will be duplicated by law enforcement agencies.</p>
2.	The Harriett Buhai Center By Meredith Alexander Staff Attorney	AM	<p>We agree with the proposed revisions if modified. Generally, the proposal will improve the EPO-001 form. First, the revisions will improve the safety of the protected person by more effectively preventing the restrained party from obtaining firearms. Second, the reorganization of the form to place the EPO at the top will help the affected parties understand that the form is in fact a protective order. With these changes, the new layout will benefit self-represented litigants by more clearly outlining the protections and restrictions encompassed by the order.</p> <p><u>Item 1</u>: The word "<i>insert</i>" in the italicized text should be deleted. The empty line currently located below the text should be moved to the first line so that it begins immediately after the colon. This will create extra space to add additional information to the form.</p>	<p>The committees note the commentator's general support for the proposal, with modifications (discussed below).</p> <p><u>Item 1</u>: These changes are proposed in order to obtain space to restore items currently in the form that are proposed for deletion. The committees do not recommend attempting to add back in the three items deleted from the former version of the EPO form. Therefore, the proposed changes are</p>

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			<p><u>Item 4</u>: The text that reads “If any order in item 3 above is granted (checked),” should be removed from the form. This item should begin the words, “YOU MUST NOT.” If the EPO is issued, one of the boxes in item 3 should be checked. Therefore, the extra language in item 4 could lead to confusion and undermine the very purpose of adding this item.</p> <p><u>Item 10</u>: One empty line should be removed in order to create extra space to add additional information to the form.</p> <p><u>Item 12</u>: This item should contain two boxes labeled a. and b. so that this item includes all the information that appears in item 5 of the current version of the form. Item 12a should include the text that reads, “The person to be protected has minor children in common with the person to be restrained, and a temporary custody order is requested because of the facts alleged in item 10. A custody order does [] does not [] exist.”</p> <p>There should be an item 12b that reads “The person to be protected is a minor child in immediate danger of being abducted by the person to be restrained because of the facts alleged in item 10.” We recommend that the language regarding child abduction remain on the EPO-001 form. We are concerned that the</p>	<p>not necessary.</p> <p><u>Item 4</u>: This item has been modified for the reasons noted in the comment, but not exactly as the commentator proposed. Instead, the two components of item 4 (as circulated) on firearms and addresses have been incorporated into item 3 as items 3(d) and 3(e). The subsequent items have been renumbered. This reorganization makes the form easier to understand.</p> <p><u>Item 10</u>: This is not necessary because the committees do not recommend attempting to add back in the three items deleted from the former version of the EPO form.</p> <p><u>Item 12</u>: The commentator is basically recommending the reinstatement of the language in item 5b of the current version of the EPO form regarding child abduction. The committees do not recommend attempting to reinstate this particular provision. The additional proposed language about child abduction from current 5b is not necessary because item 9 (circulated as item 10) already specifies that when law enforcement completes this item, it should include information about any events indicating fear of immediate and present danger of child abduction; so proposed item 12b is repetitive.</p>

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			<p>removal of the language currently located in item 5b may make it more difficult for law enforcement officers to screen for the risk of child abduction, thereby reducing the likelihood that the court will provide emergency protective orders specifically to prevent child abduction. Family Code §§6250-6252 provide for the issuance of emergency protective orders to protect children who are in danger of being abducted. Although §6253 does not require that the emergency protective order include text highlighting the risk of child abduction, such text improves the safety of protected persons and better effectuates the protections provided in the statute.</p>	<p>Item 9 (circulated as item 10) provides a place for law enforcement to indicate that a ground for issuing the emergency protective order is to protect a child from the danger of being abducted. The danger of child abduction is explicitly referred to in the instructions to item 9; thus, additional highlighting is not necessary.</p>
3.	<p>Joint Rules Working Group of the Trial Court Presiding Judges and Court Executives Advisory Committees</p>	AM	<p>1. On the revised Form EPO-001, working group recommends combining sections 1 and 5 so that the language in section 5 of the <i>former</i> Form EPO-001 can be added.</p> <p>2. While the courts should be able to implement the proposal by January 1, 2013, it will probably</p>	<p>1. Sections 1 and 5 cannot be effectively combined because the persons protected by the order and the children subject to the temporary custody order may not be the same. Both groups must be clearly specified in order for the order to be enforceable. Also, the purpose of this proposed change is to reinstate current item 5b, which as explained in response to comment 2 above is not necessary because child abduction is explicitly mentioned in item 9 (circulated as item 10).</p> <p>2. After receiving this comment, an inquiry was sent to a number of law enforcement agencies</p>

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			<p>be challenging for law enforcement to utilize the new form by this date. The working group recommends giving law enforcement six months to implement the proposal and begin using the new form. By giving law enforcement more time to distribute the new form to its offices and staff, it will be more likely that the trial courts will receive the new form.</p> <p>Operational impacts identified by the working group:</p> <p>Potential Fiscal Impact There should be no financial impact as law enforcement will be expected to bear the costs of reproducing the revised EPO form.</p> <p>Impact on Existing Automated Systems For those courts that use the SUSTAIN Justice Edition Case Management System (CMS), there should be no impact to the courts to re-configure their CMS. Because this is an existing form, no new codes are required to be entered in their CMS.</p> <p>Increase Training Needs Requiring the Commitment of Staff Time and Court Resources Judicial officers and court staff will need minimal training on revisions to the revised EPO form.</p> <p>Impact on Local or Statewide Justice</p>	<p>asking whether they would have sufficient time to duplicate the EPO form if it were to become effective on January 1, 2013. The comments received from law enforcement indicate that six months are not needed. (See comments 12, 13 and 14 below.)</p> <p>Operational impacts identified by the working group:</p> <p>Potential Fiscal Impact No response required.</p> <p>Impact on Existing Automated Systems No response required.</p> <p>Increase Training Needs Requiring the Commitment of Staff Time and Court Resources No response required.</p> <p>Impact on Local or Statewide Justice Partners</p>

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			<p>Partners It appears that law enforcement will need minimal training on revisions to the revised EPO form.</p>	No response required.
4.	Lydia Pantoja		<p>CARPOS staff agrees that the proposal to revise the EPO form appropriately addresses the stated purposes. By having the firearms restrictions on the front within the order is great. Yeah! The new layout may work but only time will tell. It may still cause some confusion.</p> <p>The one suggestion for this form would be to remove the check box in front of "firearms were" under item 10 [as circulated; now item 9].</p> <p>Make this line 11 and continue the renumbering to 17.</p> <p>Also, in the warning and information (back of form): In the second to the last section on If a child is in danger of being abducted: It references item 7 but it should be item 6. Same for the Spanish version.</p>	<p>No response required.</p> <p>The committees disagreed because the firearms line is part of item 10 [as circulated; now item 9]. A check box is needed before this item because there might not be any firearms at issue.</p> <p>Based on other renumbering, this line is now designated as item 10.</p> <p>These errors have been fixed based on the final numbering of the items on the revised form.</p>
5.	Orange County Bar Association By Dimetria Jackson President	A	<p>Although the reorganized EPO form with the EPO order at the top may be an improvement, additional formatting such as the use of bolder borders on the order may assist pro pers in distinguishing the order from the application.</p> <p>Alternatively, while saving paper is laudable,</p>	<p>The committees agreed with this formatting suggestion. They recommend revising the EPO form to include three bold boxes around the Emergency Protective Order, Application, and Proof of Service. As a result, it will be clear from the layout what is contained in each of the boxes box under its respective title.</p> <p>For practical reasons, the option of placing the</p>

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			<p>there is a lot of information on page 1. It may be easier for a non-lawyer to understand and process this form if the order was on page 1 and the application and proof of service was on the reverse side (page 2).</p>	<p>application and proof of service on the second page is not available. The EPO form is designed to be an NCR (multi-copy) form so that copies may be distributed to the court, the protected person, the restrained person, and the issuing agency. All the portions of the form that need to be completed by law enforcement must be on the first (front) page. So the inclusion of all that information on one page is essential.</p>
6.	<p>The State Bar of California By Catherine Bennett Chair, Standing Committee on the Delivery of Legal Services</p>	AM	<p>SPR12-26 – Protective Orders: Emergency Protective Order (<i>Agree with modifications.</i>) The proposal revises the form to address the stated purpose, and the reorganization is much easier and clearer than the previous version because it makes it clearer that the order is an EPO and not just an Application for an Order.</p> <p>An electronic version of the EPO should definitely be developed, as the protected person often receives an illegible copy from the traditional triplicate version. However, more information about what constitutes an electronic EPO form and how an electronic form would help a victim and provide notice to a restrained person is needed to determine if an electronic version raises any due process issues.</p> <p>Given the stated purpose of the revisions, the following revisions are suggested:</p> <p>Under item 4, the language "If any order in item</p>	<p>The committees note the commentator's general support for the revised, reorganized EPO form.</p> <p>There will be ongoing discussions with law enforcement and court personnel over possible technology improvements to the current system of using NCR paper forms. Currently, no changes are planned.</p> <p>Responses to specific proposed revisions:</p> <p>The committees agreed that item 4 would benefit</p>

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			<p>3 above is granted (checked)" should be deleted. If at least one of the orders in item 3 is NOT checked, there would be no purpose in filling out the EPO portion of the form; therefore, this language is redundant and unnecessary.</p> <p>Under item 7 [as circulated; now item 6], consider the addition of language such as, "...you must request restraining orders at the court listed below or your nearest family law court." to help prevent a protected person who flees a domestic violence situation (or something similar) and goes to a shelter or other safe place that is NOT near her closest home court from feeling compelled or restricted to only apply for a temporary restraining order at the court listed by the law enforcement officer as the one closest to her/his home, which may put that person's safety at further risk.</p> <p>Information about child abduction should be consistent on both pages of the EPO.</p>	<p>from some further reworking, although they recommend a different approach than is suggested. To make the entire order clearer, the components in item 4a and 4b (as circulated) have been relocated to become items 3d and 3e. The prefatory language about orders being granted (checked) in item 3 has been eliminated. In 3d, a statement has been added: "If you have any firearms, you must turn them in to a law enforcement agency or sell them to a licensed gun dealer (see page 2)." (Family Code, § 6389.)</p> <p>The emergency protective order statutes require that the court entered on the form be the court of the protected person's (or child in danger of abduction's) residence. (See Fam. Code § 6253(c), Pen. Code § 646.91(b)(3)). Item 7 [as circulated; now item 6] of the form has been revised to accurately identify the proper court. Instead of "...you must request restraining orders at (<i>court name and address</i>):," it states: "...you must request restraining orders from the court in the county where you live: (<i>Name and address of court</i>):." The "To the protected person" text on page 2 has been revised to remove language that suggested that the court on page 1 might not be the court of residence.</p> <p>The only reference to child abduction on the front page of the revised EPO form (in item 9) is not inconsistent with the instructions on page 2 ("In the case of a child being abducted, you may apply for a <i>Child Custody and Visitation Order</i> from the court").</p>

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7.	Jennifer Prado Criminal Records Supervisor Agency CLETS Coordinator San Mateo County Sheriff's Office		<p>Q: Does the proposal to revise the EPO form appropriately address the stated purposes?</p> <p>A: Yes</p> <p>Q: Do you prefer the reorganized EPO form with the Emergency Protective Order at the top of page one to the current format? Besides the proposed changes, would you suggest any other changes in the organization or layout of the EPO form?</p> <p>A: Yes the new order is cleaner and easier to follow.</p> <p><u>Item 4a (as circulated; now item 3d)</u> – I think the surrender verbiage should be added. (If subject is not allowed to own, posses, etc..... one would conclude that they must surrender?)</p> <p><u>Item 6 (as circulated; now item 5)</u> – The order should expire at midnight. CLETS does not have field for time to be entered for expiration and the order will drop out at midnight of expiration date. I do not think departments have the time to go back and cancel out of system at 5p.m.</p>	<p>.</p> <p>No response required.</p> <p>The committees note the commentator's support for the reorganization.</p> <p><u>Item 4a (as circulated; now item 3d)</u> – The committees agreed and have added in item 3d, the statement: "If you have any firearms, you must turn them in to a law enforcement agency or sell them to a licensed gun dealer (see page 2)."</p> <p><u>Item 6 (as circulated; now item 5)</u> – The commentator's statement about the time of expiration is not correct. The applicable statute says that the EPO "expires at the earlier of the following times: (a) The close of judicial business on the fifth court day following the day of its issuance or (b) the seventh calendar day following the day of its issuance." (Family Code, § 6256.) To more accurately reflect this statute, the statement about the expiration of orders in item 5 has been modified to read: "This order will expire</p>

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			<p><u>Item 15</u> – end of line: “I am a California Sheriff or Marshal” (replace marshal with Peace Officer)</p> <p><u>Item 16</u> – Is address of person serving necessary (regardless if they may write work address/phone number). Agency name is already listed in 12 and the courts know where the agencies are located. I have had deputies accidentally write in their home address. I would eliminate this line altogether. There are times when these are being written at 3a.m. and could lead to deputies/officers giving away personal info.</p> <p>Q: On the revised EPO form, should any specific items be added to or reinstated from the current EPO form, including items 5b, 6, and 7. If so, please explain the reasons for including the items and indicate what text on the revised EPO form should be removed in order to provide space for this additional text.</p> <p>A: I personally cannot recall seeing any of these boxes checked off before. It seems like information that is not needed for EPO and should be listed in law enforcement report taken. The prior 5b item seems to be covered on the new form item 5</p>	<p>at the close of the court business day on: .”</p> <p><u>Item 15</u> – The form has been changed to refer to a “California law enforcement officer.”</p> <p><u>Item 16</u> – This information, which has been on the current EPO form, is valuable for anyone needing to contact the law enforcement officer. Hence, the committees recommend retaining it.</p> <p>The commentator’s observations are noted. The committees do not recommend reinstating prior item 5b.</p>

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			<p>Q: Should an electronic version of this EPO form be developed?</p> <p>A: I think this is just one of those forms that will not be feasible to have electronic considering it is a NCR form. These are usually issued in the field and I am not aware of patrol cars being able to print them out to be handed to PP or RP. I personally think it would be a waste of money and resources to look into.</p> <p>Q: Will the revisions in the EPO form result in cost savings?</p> <p>A: I do not see any cost savings in the new EPO.....it is still a 1 page (front and back) NCR form that departments will need to produce at their cost. If anything there will be an extra cost to departments at first to have new form printed and throw out old forms that have already been printed.</p> <p>Q: What costs and implementation requirements will be incurred by the courts and law enforcement as a result of this proposal to revise the EPO form? Provide specific information, if possible.</p> <p>A: I do not see many costs associated with this except to print new forms. Otherwise it does not seem like the process to handle these is changing. There may be some minor costs in the beginning to train agencies on the changes.</p>	<p>The committees will investigate further whether it will be feasible for law enforcement to use an electronic version of the EPO form.</p> <p>No response required.</p> <p>As the EPO form is used by law enforcement, the costs of printing the revised EPO forms should be borne by law enforcement, not the courts.</p>

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			<p>Q: Would two months from Judicial Council approval of this proposal to revise the EPO form until its effective date provide sufficient time for implementation?</p> <p>A: Two months should be sufficient time for departments to get new forms printed, however a six month notification would be beneficial so departments do not over order the old form.</p> <p>Also it would be nice to see Teletypes or CLEW messages sent out to departments notifying us that the forms will be changing. Try to reach your audience on multiple levels. Sometimes the news of what is going to occur is not addressed to the appropriate person in the department until after the fact.</p>	<p>This information is helpful. The committees are recommending that the EPO form be revised effective January 1, 2013. With notice of the revision to the EPO form by October, law enforcement should plan not to over order the old form.</p> <p>Efforts will be made to provide notice to law enforcement of the revisions to the EPO form.</p>
8.	Vivian Sanchez Records & I.D. Supervisor San Diego County Sheriff		<p>Possibly a separate item for Additional Protected Persons including sex, race and DOB.</p> <p>Also, possibly a separate item for the Move Out Order because the officers fail to check boxes all the time.</p> <p>And, possibly a box for the Judicial District the officer is in, so we can put in the appropriate court of issuance.</p>	<p>This is not feasible given space limitations</p> <p>This is not feasible given space limitations</p> <p>This is not feasible given space limitations</p>
9.	Superior Court of Los Angeles County	N	As a general comment, we question the need to change the form. The stated goal in revising the form is to highlight the firearms restrictions. We	Before circulating this proposal, careful consideration was given to the question whether the EPO form should be changed at all. The

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			<p>question whether the restriction needs further highlighting. The EPO's are rarely served on the restrained person, and are in effect for only one week, and are issued without prejudice.</p> <p>Further, important information has been omitted ...to provide space to highlight the restriction information. This information should not be deleted; it assists the person making the EPO decision.</p> <p>Additionally, the instructions under item 7 [as circulated; item 6 on revised form], i.e., to bring the EPO form to court followed by "If a juvenile petition is pending, file in that court," are confusing. Suggested wording: "If you choose to request a more lasting restraining order at a courthouse, take a copy of the EPO with you to court. If a petition is pending in juvenile court, the request for the restraining order should be</p>	<p>conclusion was reached that, for reasons of public safety, firearms relinquishment provisions should be included in the order on the front page of the EPO form. Highlighting this matter provides greater protection for protected person and greater notice of the firearms relinquishment requirements for restrained persons. Also, the form would be revised to include important information about whether firearms were observed, reported, searched for or seized. The other commentators endorsed the revision of the form to highlight the firearms restrictions and the reorganization of the form. The committees continue to recommend the EPO form be revised at this time. .</p> <p>Other commentators indicated that the omitted information is not used or needed; moreover, as discussed above, some of it is repetitive. The comment does not indicate how the information on the current form that is proposed not to be retained assists the person making the EPO decision.</p> <p>There is no space available in this item for the longer instructions proposed.</p>

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			<p>filed in that court.”</p> <p>Implementation and cost: These are issues that primarily impact law enforcement.</p>	<p>No response required.</p>
10.	<p>Superior Court of Orange County By Linda Daeley</p>	<p>AM</p>	<p>The proposal to revise the EPO form appropriately addresses the stated purpose to highlight the firearms provisions that apply when the order is issued and to collect information whether firearms have been reported, observed, searched for, or seized in the case. The proposed changes will benefit those served with the protective orders and the reorganization of the layout of the form is an improvement in the grouping and bolding of key information toward the top of the form; the title is an improvement with the proposed omission of “application.”</p> <p>The revised EPO form deleted sections 5b, 6 and 7 relating to information whether a child welfare worker or probation officer was advised; Adult Protective Services notified and a minor child is in immediate danger of being abducted. This is information that may be helpful to a judicial officer hearing a subsequent request for orders and it is suggested it be reinstated to the form.</p> <p>Keeping the form to one page is a requirement for law enforcement, so it is suggested that item #1 and #5 be combined to make room for this information; the names of the minor children would also be included in #1, perhaps by adding</p>	<p>The commentator’s general agreement with this proposal to highlight firearms issues on the EPO form and to reorganize the form to be more understandable is noted.</p> <p>Restoring all these items would require removing current items in order to obtain space. This is not feasible on this one-page form.</p> <p>These sections cannot be combined because the persons protected by the order and the children subject to the temporary custody order may not be the same. Both groups must be clearly specified in order for the order to be enforceable. Besides,</p>

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			<p>minor' s ages in ()next to their name in #1.</p> <p>Information regarding other names (AKA) used by the restrained person can be very helpful when attempting to locate background (CLETS) information; this information could be requested by law enforcement and included on the form.</p> <p>While completion of the form will be done by law enforcement officers, and recognizing the form must be contained to one page, it is recommended that the box at the top of the form containing items 1-9 be bold so the information stands out and doesn't merely appear as more lines on an already very busy page of information.</p> <p>The revisions do not have a cost savings impact for the court and there are no major costs or implementation requirements for Orange County Superior Court.</p> <p>The proposed time frame of two months from Judicial Council approval of this proposal to revise the EPO form will provide sufficient time for court implementation.</p>	<p>very little space would be recovered. There must be an item 5 custody order. Even if it referred back to item 1 for the names of the children, only one line would be recovered—not enough to restore all of the omitted items.</p> <p>There is no space available in item 2 for this additional information.</p> <p>The committees agreed that making the box around the emergency protective order bold would be helpful. They also recommend using bold boxes around the other two main sections of the form (that is, the application and proof of service).</p> <p>No response required.</p> <p>This information is helpful. The committees are recommending that the EPO form be revised effective January 1, 2013.</p>
11.	Superior Court of San Diego County By Mike Roddy Court Executive Officer	AM	We recommend to change the wording in item 11 and 12 as follows:	The committees agreed in part and disagreed in part. Applications are usually presented in the present rather than the past tense; hence, the

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			<p>11. The person to be protected lives with the person to be restrained and <u>requested</u> an order that the restrained person move out immediately from the address in item 3.</p> <p>12. The person to be protected has minor children in common with the person to be restrained, and <u>requested</u> a temporary custody order is requested because of the facts alleged in item 10. Another custody order [] does [] does not exist.</p>	<p>suggestion to use the past tense is not followed. However, the use of the passive voice in item 12 will be changed to the active “requests.”</p>

SUPPLEMENTAL QUESTION FOR LAW ENFORCEMENT

Would your agency have sufficient time to photocopy and distribute the revised form to officers if the revised form was approved by the Judicial Council in late October for an effective date of January 1, 2013? If not, how much lead time would your agency require?

12.	Jerry Neumayer Captain, Field Operations/Special Operations Morgan Hill Police Department		We would be able to implement the form in the time frame you are requesting.	This information is helpful. The committees are recommending that the EPO form be revised effective January 1, 2013.
13.	Jennifer Prado Criminal Records Supervisor Agency CLETS Coordinator San Mateo County Sheriff's Office		I believe this would be sufficient time to implement new forms.	This information is helpful. The committees are recommending that the EPO form be revised effective January 1, 2013.
14.	Lieutenant Carter Vaughn Yolo County Sheriff's Department		We should be able to handle/implement the new form with at least 2 months' notice without any problems.	This information is helpful. The committees are recommending that the EPO form be revised effective January 1, 2013.