



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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on April 25, 2014

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Title

Restraining Orders: Update Forms to Reflect Recent Changes in the Law

Agenda Item Type

Action Required

Effective Date

July 1, 2014

Date of Report

April 14, 2014

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Rules, Forms, Standards, or Statutes Affected

Revise Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, EA-100, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-800, EA-800-INFO, SV-100, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO

Recommended by

Civil and Small Claims Advisory Committee  
Hon. Patricia M. Lucas, Chair

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### Executive Summary

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise 34 restraining order forms to reflect recent changes in the law.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2014, revise the following restraining order forms so that they will be consistent with recent changes in the law:

1. Civil harassment prevention forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO;
2. Elder and dependent adult abuse prevention forms EA-100, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-800, EA-800-INFO;
3. Private postsecondary violence prevention forms SV-100, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO; and
4. Workplace violence prevention forms WV-100, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO.

Copies of the revised forms are attached at pages 7–119.<sup>1</sup>

### **Previous Council Action**

The Judicial Council has adopted forms for use in preventing civil harassment, workplace violence, private postsecondary school violence, and elder and dependent adult abuse. These restraining forms are required by statute.<sup>2</sup> The forms have been revised from time to time to reflect changes in the law. The most significant recent change to the forms occurred in 2011 when virtually all of these forms were revised to implement Assembly Bill 1596 (Stats. 2010, ch. 572), Judicial Council–sponsored legislation to improve and harmonize the restraining order statutes and forms.

### **Rationale for Recommendation**

During 2013, the Legislature enacted a number of bills that change the law regarding petitions for restraining orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder and dependent adult abuse. To reflect these changes, the Civil and Small Claims Advisory Committee recommends revising 34 existing Judicial Council restraining order forms.<sup>3</sup>

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<sup>1</sup> In a separate report, the Family and Juvenile Law Advisory Committee is recommending revisions to many of the domestic violence prevention and juvenile law restraining order forms.

<sup>2</sup> See Code Civ. Proc., § 527.6(v)(1), Code Civ. Proc., § 527.8(u)(1), Code Civ. Proc., § 527.85(u)(1) and Wel. & Inst. Code, § 15657.03(w).

<sup>3</sup> In developing the revised forms, the committee was assisted by the Protective Orders Working Group which consists of members from the committee as well as from the Criminal Law Advisory Committee, the Probate and Mental Health Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Violence Against Women Education Project Planning Committee.

### **Assembly Bill 539: Addition of Option to Store Firearms**

Assembly Bill 539 (Stats. 2013, ch. 739)<sup>4</sup> added section 29830 to the Penal Code effective January 1, 2014. It allows a person who is required to relinquish a firearm under any law to pay a gun dealer to hold the firearm during the duration of the order. Thus, persons subject to a restraining order to prevent civil harassment, workplace violence, private postsecondary school violence, or elder and dependent adult abuse may store their weapons with a licensed firearms dealer.

To reflect this change in the law, revisions have been made to the statements about firearms relinquishment on forms CH-100, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, EA-100, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-800, EA-800-INFO, SV-100, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO.

### **Assembly Bill 176: Priority of Enforcement of Conflicting Orders**

Assembly Bill 176 (Stats. 2013, ch. 263)<sup>5</sup> amends several code sections effective July 1, 2014 to change the enforcement priority of protective orders. The bill provides that 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(c)(1)(A)). A no-contact order in any protective order has precedence over any other restraining or protective order except an EPO and if none of the restraining orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) In addition, any nonconflicting terms of the civil restraining order remain in effect and enforceable and if more than one civil restraining order has been issued, the one that was issued last must be enforced.

To reflect this legal change, the following language has been added in appropriate places on the civil harassment, elder and dependent adult abuse, workplace violence, and private postsecondary school violence restraining order forms:

#### **CONFLICTING ORDERS – PRIORITIES FOR ENFORCEMENT**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)**

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<sup>4</sup> The text of AB 539, as chaptered, may be viewed at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB539](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB539)

<sup>5</sup> The text of AB 176, as chaptered, may be viewed at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB176](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB176)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

This language has been added in forms CH-110, CH-130, EA-110, EA-130, SV-110, SV-130, WV-110, and WV-130.

#### **Assembly Bill 499: Change in the Duration of Civil Harassment Protective Orders**

Assembly Bill 499 (Stats. 2013, ch. 158 )<sup>6</sup> changes the duration of civil harassment protective orders from up to 3 years to up to 5 and extends the order renewal period for up to an additional 5 years. The amended statute states: “In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than five years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than five additional years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party....” (Code Civ. Proc, 527.6(j)(1), as amended effective July 1, 2014.)

To reflect these changes, the following Judicial Council forms have been revised: form CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, and CH-130.

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

This forms proposal was circulated during the regular winter comment cycle from December 13, 2013 to January 24, 2014. Eight comments were received of this forms proposal, most of which addressed issues and concerns outside of the scope of the invitation to comment. A chart presenting the comments and the committee’s responses is attached at pages 120–126.

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<sup>6</sup> See AB 499 at [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB499&search\\_keywords](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB499&search_keywords)

Because revisions to the restraining order forms are necessary for the forms to comply accurately with recent changes in the law, no alternatives to making the statutorily required changes were considered.

There was, however, consideration of various alternative formulations of the new information provided about the priority of orders. In the Instructions to Law Enforcement section of the forms, a basic version of the Conflicting Orders text was included in the invitation to comment. A shorter version of the Conflicting Orders text was also suggested for forms EA-110 and EA-130 (for elder and dependent adult abuse) in order to avoid having to add another page to the forms. Comments were received from several judges during informal discussions. The judges thought that the shortened version of the text was inadequate and that adding a page was preferable to presenting confusing language. The judges also suggested some revisions to improve the wording of the longer version. In response to these comments, the shorter version is not being used on any of the forms and some changes have been made to the wording of the longer version.

Based on the public comments, some technical corrections were also made to the forms. (See comments 1 and 6, and responses.) Because some of the comments made in response to the invitation to comment on the Family and Juvenile protective order forms, which were circulated at the same time as this proposal, were possibly also applicable to these civil forms proposed for revision, these comments and the committee's responses have been reviewed and are included in the comment chart. (See comments 9 and 10 and responses.)

In the end, all of the proposed changes to the forms that were legislatively compelled are recommended in the final version of the forms being submitted with this report, along with a few technical corrections. However, no additional substantive changes to the forms are recommended at this time.

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

For those courts that still provide commercially printed paper versions of the forms to the public, there will be implementation costs to reprint the forms. This cost is unavoidable as the changes are legislatively compelled. There should be minimal or no cost to those courts that provide forms to the public only electronically, online, or printed from a work station on site.

The new priorities for enforcement of conflicting orders are complex and not totally clear. There will be some training time needed for court and law enforcement personnel in implementing these changes. This, however, is an impact related to the underlying change in the law, not to the forms themselves. All other changes to the forms are relatively minor and should cause little or no impact on court operations. None of the changes actually involve the fillable components of the forms.

## **Attachments**

1. Revised forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, EA-100, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-800, EA-800-INFO, SV-100, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO, at pages 7–119
2. Comment chart, at pages 120–127

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me? (Form CH-100-INFO)* before completing this form. Also fill out *Confidential CLETS Information (Form CLETS-001)* with as much information as you know.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Your Lawyer (if you have one 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 Person From Whom Protection Is Sought**

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

Address (if known): \_\_\_\_\_

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

**3 Additional Protected Persons**

a. Are you asking for protection for any other family or household members?  Yes  No *If yes, list them:*

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

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

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

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

**This is not a Court Order.**



**4 Relationship of Parties**

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

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

**5 Venue**

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

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

**6 Other Court Cases**

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

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

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

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

**7 Description of Harassment**

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

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

(1) When did it happen? (provide date or estimated date): \_\_\_\_\_

(2) Who else was there? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**



(3) How did the person in ② harass you? (Explain below):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did the person in ② use or threaten to use a gun or any other weapon?  
 Yes  No (If yes, explain below):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(5) Were you harmed or injured because of the harassment?  
 Yes  No (If yes, explain below):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(6) Did the police come?  Yes  No  
If yes, did they give you or the person in ② an Emergency Protective Order?  Yes  No  
If yes, the order protects (check all that apply):

a.  Me b.  The person in ② c.  The persons in ③  
Attach a copy of the order if you have one.

b. Has the person in ② harassed you at other times?  
 Yes  No (If yes, describe prior incidents and provide dates of harassment below):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**

**Check the orders you want.**

**8  Personal Conduct Orders**

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

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b.  Contact the person, either directly or indirectly, 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.
- c.  Other *specify*):  
 *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*The person in **(2)** will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**9  Stay-Away Orders**

a. I ask the court to order the person in **(2)** to stay at least \_\_\_\_\_ yards away from *(check all that apply)*:

- |   |   |
|---|---|
| (1) <input type="checkbox"/> Me                                     | (8) <input type="checkbox"/> My vehicle               |
| (2) <input type="checkbox"/> The other persons listed in <b>(3)</b> | (9) <input type="checkbox"/> Other <i>(specify)</i> : |
| (3) <input type="checkbox"/> My home                                | _____   |
| (4) <input type="checkbox"/> My job or workplace                    | _____   |
| (5) <input type="checkbox"/> My school                              | _____   |
| (6) <input type="checkbox"/> My children's school                   | _____   |
| (7) <input type="checkbox"/> My children's place of child care      | _____   |

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

*Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.*

\_\_\_\_\_  
 \_\_\_\_\_

**10  Guns or Other Firearms and Ammunition**

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

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

**This is not a Court Order.**



**11 Immediate Orders**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12 Request to Give Less Than Five Days' Notice**

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**13 No Fee for Filing or Service**

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

**14 Lawyer's Fees and Costs**

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

The amounts requested are:

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

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

**This is not a Court Order.**



15 Additional Orders Requested

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

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

Lined area for specifying additional orders requested.

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

Date:

Lawyer's name (if any)

Lawyer's signature

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

Date:

Type or print your name

Sign your name

This is not a Court Order.

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

### **What is a civil harassment restraining order?**

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

### **Can I get a civil harassment restraining order?**

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

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

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

The court can order a person to:

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

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

In a civil harassment case, the court cannot:

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

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

The court also cannot:

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

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

### **How much does it cost?**

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

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

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

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

You must fill out all of Form CH-100, *Request for Civil Harassment Restraining Orders*, and Form CLETS-001, *Confidential CLETS Information*. If you need attachments, you may use Form MC-025. You must also fill out items 1 and 2 on Form CH-109, *Notice of Court Hearing*, and items 1, 2, and 3 on Form CH-110, *Temporary Restraining Order (CLETS)*.

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

You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

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

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



**How soon can I get the order?**

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

**How long does the order last?**

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

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

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

**What if the restrained person does not obey the order?**

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

**Do I have to go to court?**

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

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

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

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

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

**Do I need a lawyer?**

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

**Will I see the restrained person at the court hearing?**

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

**Can I bring someone with me to court?**

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

**CH-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one 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: \_\_\_\_\_

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

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

**2 Person From Whom Protection Is Sought**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

**3 Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the person in 2):

Name and address of court if different from above:

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

**4 Temporary Restraining Orders** (Any orders granted are on Form CH-110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Revised July 1, 2014, Mandatory Form  
 Code of Civil Procedure, § 527.6, approved by DOJ **Notice of Court Hearing (Civil Harassment Prevention)**  
 CH-109, Page 1 of 3 →



**What if I am deaf or hard of hearing?**

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

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

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

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

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

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

*[Local information may be inserted.]*

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one 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 Person From Whom Protection Is Sought**

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

*The court will complete the rest of this form.*

**3 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the person in 2:**

Name and address of court if different from above:

<b>Hearing Date</b>	→ Date: _____	Time: _____	_____
	Dept.: _____	Room: _____	_____

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

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





b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form CH-100, *Request for Civil Harassment Restraining Orders*, are:

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

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⑤ **Service of Documents by The Person in ①**

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this Form CH-109, to the person in ② along with a copy of all the forms indicated below: *Notice of Court Hearing*,

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

Date: \_\_\_\_\_  \_\_\_\_\_  
Judicial Officer

**To the Person in ① :**

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



**To the Person in ② :**

- If you want to respond to the request for orders in writing, file Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.



**Request for Accommodations**

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

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

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

*Clerk's Certificate*  
*[seal]*

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Clerk stamps date here when form is filed.

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

**① Protected Person**

a. Your Full Name: \_\_\_\_\_  
 Your Lawyer (if you have one 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: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**② Restrained Person**

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

**Case Number:**

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

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

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

The court will complete the rest of this form.

**④ Expiration Date**

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**



**To the Person in 2 :**

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

**5 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

- a. You must **not** do the following things to the person named in ①
  - and to the other protected persons listed in ③ :
  - (1)  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  Contact the person, either directly or indirectly, 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 (3) 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 5a(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. However, you may have your papers served by mail on the person in ①.

**6 Stay-Away Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

- a. You must stay at least \_\_\_\_\_ yards away from (*check all that apply*):
  - (1)  The person in ①
  - (2)  Each person in ③
  - (3)  The home of the person in ①
  - (4)  The job or workplace of the person in ①
  - (5)  The school of the person in ①
  - (6)  The school of the children of the person in ①
  - (7)  The place of child care of the children of the person in ①
  - (8)  The vehicle of the person in ①
  - (9)  Other (*specify*):

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

**7 No Guns or Other Firearms and 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:
  - (1) Sell to or store with 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.

**This is a Court Order.**



(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use Form CH-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)

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

**8 Other Orders**

Not Requested     Denied Until the Hearing     Granted as Follows (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**To the Person in 1 :**

**9 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, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency	Address (City, State, Zip)
_____	_____
_____	_____

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

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

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

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

**11** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judicial Officer

**This is a Court Order.**



## Warnings and Notices to the Restrained Person in 2

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 7 above. The court will require you to prove that you did so.

### Notice Regarding Nonappearance at Hearing and Service of Order

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

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

### After You Have Been Served With a Restraining Order

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

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This order is enforceable 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, 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.

**This is a Court Order.**



**Start Date and End Date of Orders**

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

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was 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, the agency must advise the restrained person of the terms of the order and then enforce it.

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

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

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities** (see Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

Clerk’s Certificate  
[seal]

**—Clerk’s Certificate—**

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

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

**This is a Court Order.**

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

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

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (Form CH-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use Form CH-250, Proof of Service of Response by Mail.)

**① Person Seeking Protection**

Name of person seeking protection (see Form CH-100, item ①):

\_\_\_\_\_

**② Person From Whom Protection Is Sought**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one 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: \_\_\_\_\_

**③ Personal Conduct Orders**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**④ Stay-Away Orders**

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

\_\_\_\_\_  
\_\_\_\_\_

**⑤ Additional Protected Persons**

- a.  I agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.
- b.  I do not agree that the persons listed in item ③ of Form CH-100 may be protected by the order requested.

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

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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





**6 Guns or Other Firearms and Ammunition**

If you were served with Form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item 7 of Form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with Form CH-110. You must file a receipt with the court. You may use Form CH-800, *Proof of Firearms Turned In, Sold or Stored*, for the receipt.

- a.  I do not own or control any guns or firearms.
- b.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.  
 A copy of the receipt  is attached.  has already been filed with the court.

**7 Other Orders**

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

**8 Denial**

I did not do anything described in item 7 of Form CH-100. (*Skip to 10.*)

**9 Justification or Excuse**

If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 9—Justification or Excuse" as a title. You may use Form MC-025, Attachment.

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**10**  **No Fee for Filing**

- a.  I request that I not be required to pay the filing fee because the person in **1** claims in Form CH-100 item **13** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

**11**  **Lawyer's Fees and Costs**

- a.  I ask the court to order payment of my  Lawyer's fees  Court costs  
The amounts requested are:

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

*Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.*

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

**12** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

**What is a civil harassment restraining order?**

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

**What does the order do?**

The court can order you to:

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

**Who can ask for a civil harassment restraining order?**

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

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

**I've been served with a request for civil harassment restraining orders. What do I do now?**

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

**What if I don't obey the order?**

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

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

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

**Should I go to the court hearing?**

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

**CH-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

Your Lawyer (if you have one 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: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court file in case number when form is filed.

Case Number: \_\_\_\_\_

**2 Person From Whom Protection Is Sought**

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

The court will complete the rest of this form.

**3 Notice of Hearing**

A court hearing is scheduled on the request for restraining orders against the person in (2):

Name and address of court if different from above:

Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)

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

Judicial Council of California, www.courts.ca.gov  
Revised July 1, 2014, Optional Form  
Code of Civil Procedure, § 527.6. Approved by DOJ

**Notice of Court Hearing  
(Civil Harassment Prevention)**

CH-109, Page 1 of 3



**How long does the order last?**

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

**Do I need a lawyer?**

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

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

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

**Can I bring a witness to the court hearing?**

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

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

*[Local information may be inserted.]*

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

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

**What if I have a gun?**

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

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

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

**What if I am deaf or hard of hearing?**

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

Clerk stamps date here when form is filed.

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

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**① Protected Person**

a. Your Full Name: \_\_\_\_\_  
Your Lawyer (if you have one 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:  M  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 person named in ①, the following family or household members of that person are protected by the orders indicated below:

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

Check here if there are additional 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.  midnight on (date): \_\_\_\_\_

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

**This is a Court Order.**



**5 Hearing**

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

**To the Person in ②:**

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

**6  Personal Conduct Orders**

- a. You must **not** do the following things to the person named in ①  
 and to the other protected persons listed in ③:
- (1)  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.  
 (2)  Contact the person, either directly or indirectly, 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 (3) 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 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 person in ① (7)  The place of child care of the children of the person in ①  
 (2)  Each person in ③ (8)  The vehicle of the person in ①  
 (3)  The home of the person in ① (9)  Other *(specify)*: \_\_\_\_\_  
 (4)  The job or workplace of the person in ① \_\_\_\_\_  
 (5)  The school of the person in ① \_\_\_\_\_  
 (6)  The school of the children of the person in ① \_\_\_\_\_

**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 No Guns or Other Firearms and 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. If you have not already done so, you must:
  - Within 24 hours of being served with this Order, sell to **or store with** a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
  - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, **or stored.** (You may use Form CH-800, Proof of Firearms Turned In, Sold, **or Stored** for the receipt.)
- c.  The court has received information that you own or possess a firearm.

**9 Lawyer's Fees and Costs**

The person in \_\_\_ must pay to the person in \_\_\_ the following amounts for:

- a.  Lawyer's fees
- b.  Costs

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

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

**10 Other Orders (specify):**

\_\_\_\_\_  
\_\_\_\_\_

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

**To the Person in 1 :**

**11 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, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_  
\_\_\_\_\_

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

**This is a Court Order.**



**12 Service of Order on Restrained Person**

- a.  The person in ② personally attended the hearing. No other proof of service is needed.
- b.  The person in ② did not attend the hearing.
  - (1)  Proof of service of Form CH-110, *Temporary Restraining Order*, was presented to the court. The judge’s orders in this form are the same as in Form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
  - (2)  The judge’s orders in this form are different from the temporary restraining orders in Form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

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

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

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

**14** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warning and Notice to the Restrained Person in ②:**

**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

**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 Order 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.

**This is a Court Order.**





**Start Date and End Date of Orders**

This Order *starts* on the date next to the judge’s signature on page 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 the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person “served” (given notice) if (Pen. Code, § 836(c)(2)):

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

An officer can obtain information about the contents of the order and proof of service in 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—Priorities of Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*Clerk’s Certificate*  
[seal]

(Clerk will fill out this part.)

**—Clerk’s Certificate—**

I certify that this *Civil Harassment 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.**

Clerk stamps date here when form is filed.

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

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

**1 Person Seeking Protection**

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

**2 Person From Whom Protection Is Sought**

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

**3 Notice to Server**

The server must:

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



**PROOF OF PERSONAL SERVICE**

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

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

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

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

**6 Server's Information**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

Type or print server's name

Server to sign here

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Protected Person**

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

**2 Restrained Person**

a. Your Name \_\_\_\_\_

Your Lawyer (if you have one 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: \_\_\_\_\_

**3 To the Restrained Person:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

**4 To Law Enforcement**

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

The firearms listed in 6 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name and title of law enforcement agent*

\_\_\_\_\_  
*Name of law enforcement agency*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of law enforcement agent*

**5 To Licensed Gun Dealer**

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

The firearms listed in 6 were

sold to me  transferred to me for storage on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name of licensed gun dealer*

\_\_\_\_\_  
*License number Telephone*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of gun dealer*



6 Firearms

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

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "CH-800, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6?  Yes  No  
If you answered yes, have you turned in, sold, or stored those other firearms?  Yes  No  
If yes, check one of the boxes below:

- a.  I filed a Proof of Firearms Turned In, Sold, or Stored for those firearms with the court on (date):
- b.  I am filing the proof for those firearms along with this proof.
- c.  I have not yet filed the proof for the other firearms. (Explain why not):  
 Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Date:

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

**1 What is a firearm?**

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

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

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

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

Find a California licensed firearms dealer in your area.

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

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

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

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

Ask the law enforcement agency.

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

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

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

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:

*(Insert local information here.)*



Clerk stamps date here when form is filed.

Read *Can an Elder or Dependent Adult Abuse Restraining Order Help Me?* (Form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (Form CLETS-001), with as much information as you know.

**1 Elder or Dependent Adult in Need of Protection**

a. Full Name: \_\_\_\_\_  
 Sex:  M  F Age: \_\_\_\_\_

**2 Person From Whom Protection Is Sought**

Full Name: \_\_\_\_\_  
 Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

**3 Person Requesting Order**

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

a.  The elder or dependent adult named in ①.  
 b.  Name: \_\_\_\_\_  
 conservator of the  person  estate  person and estate  
 of the person named in ①, appointed by (name of court): \_\_\_\_\_  
 Case No.: \_\_\_\_\_

Court fills in case number when form is filed.

**Case Number:**

c.  Other (name) \_\_\_\_\_

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

**4 Contact Information**

Contact information for the person asking the court for protection:

a. Your Lawyer (if you have one 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. The person in ① does not have to give telephone, fax, or e-mail.):

Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

**This is not a Court Order.**

**5 Description of Protected Person**

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

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

**6 Additional Protected Persons**

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①?  Yes  No (If yes, list them):

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

Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use Form MC-025, Attachment.

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7 Relationship of Parties**

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

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

\_\_\_\_\_

**8 Venue**

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

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

**This is not a Court Order.**



**9 Other Court Cases**

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

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

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

**10 Description of Abuse**

a. Abuse means either:

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

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

(1) When did it happen? (Provide date or estimated date): \_\_\_\_\_

(2) Who else was there?

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(3)—Describe Abuse" for a title.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

**This is not a Court Order.**





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

Yes  No (If yes, explain below):

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

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

Yes  No (If yes, explain below):

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

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(7) Did the police come?  Yes  No

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

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

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

(Attach a copy of the order if you have one.)

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

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

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

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d. Has the person in (2) abused the person in (1) at other times?

Yes  No (If yes, describe prior incidents and provide dates below):

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

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**This is not a Court Order.**



**Check the orders you want.**

**11  Personal Conduct Orders**

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

- a.  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b.  Contact the person, either directly or indirectly, 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.
- c.  Other (*specify*):  
 *Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 11c—Other Personal Conduct Orders," for a title.*

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*The person in **2** will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**12  Stay-Away Orders**

a. I ask the court to order the person in **2** to stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The elder or dependent adult in **1**
- (2)  The persons in **6**
- (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*): \_\_\_\_\_

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

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

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**This is not a Court Order.**



**13**  **Move-Out Order**

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

The person in **(1)** will suffer physical or emotional harm if the person in **(2)** does not leave the residence. The person in **(2)** is not named in the title or lease of the residence, either alone or with others beside the person in **(1)**.

I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)**; and
- b. The person in **(1)** has the right to live at the above residence. (*Explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write “Attachment 13—My Right to Residence,” for a title.

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**14** **Guns or Other Firearms and Ammunition**

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

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

**15** **Immediate Orders**

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

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

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**16**  **Request to Give Less Than Five Days' Notice**

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

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

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

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**This is not a Court Order.**



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

**18**  **Lawyer's Fees and Costs**

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

The amounts requested are:

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

*Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 19—Lawyer's Fees and Costs" for a title.*

**19**  **Additional Orders Requested**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**20** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

\_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Signature of person filling out this request*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

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: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Restrained Person**

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

Description:

Sex: <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 that person are protected by the temporary 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 person. 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 expires at the end of the hearing scheduled for the date and time below:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**



**To the Person in ② :**

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

**⑤ Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You must **not** do the following things to the elder or dependent adult named in ①

and to the other protected persons listed in ③ :

- (1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy 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 messages, by fax, or by other electronic means.
- (3)  Take any action to obtain the person’s address or location. If this item ③ is not checked, the court has found good cause not to make this order.
- (4)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(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. However, you may have your papers served by mail on the person in ①.

**⑥ Stay-Away Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The elder or dependent adult in ①                      (5)  The vehicle of the person in
- (2)  Each person in ③    (6)  Other (*specify*):
- (3)  The home of the elder or dependent adult                      \_\_\_\_\_
- (4)  The job or workplace of the elder or dependent adult                      \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**⑦ Move-Out Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

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

\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**



**8 No Guns or Other Firearms and Ammunition**

- Not Issued (financial abuse only)**                       **Granted as Follows:**

**This order must be granted unless only financial abuse is alleged.**

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

**9 Financial Abuse**

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

**10 Other Orders**

- Not Requested**     **Denied Until the Hearing**     **Granted as Follows (specify):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**To the Person in 1 :**

**11 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, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_  
\_\_\_\_\_

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

**This is a Court Order.**



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

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

**13** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**Warnings and Notices to the Restrained Person in 2**
**Possession of Guns or Firearms**

If the court grants the orders in item 8, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 8. The court will require you to prove that you did so.

**Notice Regarding Nonappearance at Hearing and Service of Order**

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

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

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

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

**This is a Court Order.**




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**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, 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. The order *ends* on the expiration date in item ④ on page 1.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was 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, the agency must advise the restrained person of the terms of the order and then enforce it.

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

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

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**This is a Court Order.**

**Conflicting Orders—Priorities of Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

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

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

**This is a Court Order.**

**Response to Request for Elder or Dependent Adult Abuse Restraining Orders**

Clerk stamps date here when form is filed.

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

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders? (Form EA-120-INFO)*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use Form EA-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**① Elder or Dependent Adult Seeking Protection**

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

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

**② Person From Whom Protection Is Sought**

a. Your Name: \_\_\_\_\_

Your Lawyer (*if you have one 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: \_\_\_\_\_

**③  Personal Conduct Orders**

a.  I agree to the orders requested.

b.  I do not agree to the orders requested.

c.  I agree to the following orders (*specify*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**④  Stay-Away Orders**

a.  I agree to the orders requested.

b.  I do not agree to the orders requested.

c.  I agree to the following orders (*specify*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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



- 5**  **Move Out Orders**
- a.  I agree to the orders requested.
  - b.  I do not agree to the orders requested.
  - c.  I agree to the following orders (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 6**  **Additional Protected Persons**
- a.  I agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.
  - b.  I do not agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.

- 7**  **Guns or Other Firearms and Ammunition**
- If you were served with Form EA-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item **8** of Form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with Form EA-110. You must file a receipt with the court. You may use Form EA-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.**
- a.  I do not own or control any guns or firearms.
  - b.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.  
 A copy of the receipt  is attached.  has already been filed with the court.

- 8**  **Other Orders**
- a.  I agree to the orders requested.
  - b.  I do not agree to the orders requested.
  - c.  I agree to the following orders (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- 9**  **Denial**
- I did not do anything described in item **7** of Form EA-100. (*Skip to **11**.)*

- 10**  **Justification or Excuse**
- If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):
- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10–Justification or Excuse" as a title. You may use Form MC-025, Attachment.*
- \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**11**  **Lawyer's Fees and Costs**

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

The amounts requested are:

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

Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.

b.  I ask the court to deny the request of the person asking for protection named in **1** that I pay his or her lawyer's fees and costs.

**12** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

**What is an elder or dependent adult abuse restraining order?**

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

**What does the order do?**

The court can order you to:

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

**Who can ask for a restraining order?**

A person who being:

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

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

**I've been served with a request for elder or dependent adult abuse restraining orders. What do I do now?**

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

**What if I don't obey the order?**

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form EA-120, *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

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

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

**Should I go to the court hearing?**

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

**EA-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

---

**1 Elder or Dependent Adult in Need of Protection**

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.: \_\_\_\_\_  
 b. Firm Name: \_\_\_\_\_  
 Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

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

---

**2 Person You Want Protection From**  
 Full Name: \_\_\_\_\_  
*The court will complete the rest of this form.*

---

**3 Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the person in 2 :  
 Name and address of court if different from above:  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept: \_\_\_\_\_ Room: \_\_\_\_\_

---

**4 Temporary Restraining Orders** (Any orders granted are on Form EA-110, served with this notice.)  
 a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 Revised January 1, 2012, Mandatory Form  
 Welfare and Institutions Code, § 15657.03  
 Approved by DOJ **Notice of Court Hearing**  
 (Elder or Dependent Adult Abuse Prevention) EA-109, Page 1 of 3



**How long does the order last?**

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

**Do I need a lawyer?**

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

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

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

**Can I bring a witness to the court hearing?**

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

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

*[Local information may be inserted.]*

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

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

**What if I have a gun?**

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

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

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

**What if I am deaf or hard of hearing?**

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





**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 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 (3) 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.**



7 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 or store with 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, sold, or stored. (You may use Form EA-800, Proof of Firearms Turned In, Sold, or Stored 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.  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

**Warning 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 or store with 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, 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. The order *ends* on the expiration date in item ④ on page 1.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was 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, the agency must advise the restrained person of the terms of the order and then enforce it.

### If the Protected Person Contacts the Restrained Person

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

**This is a Court Order.**

**Conflicting Orders—Priorities of Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*Clerk's Certificate*  
[seal]

(Clerk will fill out this part.)

**—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.**

Clerk stamps date here when form is filed.

**1 Elder or Dependent Adult in Need of Protection**

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

**2 Person From Whom Protection Is Sought**

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

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ③, or ⑥ of Form EA-100.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.



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

**PROOF OF PERSONAL SERVICE**

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

- a.  EA-109, *Notice of Court Hearing*
- b.  EA-110, *Temporary Restraining Order*
- c.  EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*
- d.  EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- e.  EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f.  EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- g.  EA-250, *Proof of Service of Response by Mail* (blank form)
- h.  EA-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- i.  Other (specify): \_\_\_\_\_

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

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

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

**6 Server's Information**

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

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

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

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

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print server's name

\_\_\_\_\_  
Server to sign here

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Protected Person**

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

**2 Restrained Person**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one 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: \_\_\_\_\_

**3 To the Restrained Person:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

**4 To Law Enforcement**

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

The firearms listed in 6 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name and title of law enforcement agent*

\_\_\_\_\_  
*Name of law enforcement agency*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of law enforcement agent*

**5 To Licensed Gun Dealer**

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

The firearms listed in 6 were

sold to me  transferred to me for storage on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name of licensed gun dealer*

\_\_\_\_\_  
*License number*      \_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of gun dealer*



6 Firearms

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

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "EA-800, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in 6?  Yes  No  
If you answered yes, have you turned in, sold, or stored those other firearms?  Yes  No  
If yes, check one of the boxes below:

- a.  I filed a Proof of Firearms Turned In, Sold, or Stored for those firearms with the court on (date):
- b.  I am filing the proof for those firearms along with this proof.
- c.  I have not yet filed the proof for the other firearms. (Explain why not):  
 Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_


\_\_\_\_\_

\_\_\_\_\_

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

Date:

\_\_\_\_\_  
Type or print your name

 \_\_\_\_\_  
Sign your name



**1 What is a firearm?**

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

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

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

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

Find a California licensed firearms dealer in your area.

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

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

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

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

Ask the law enforcement agency.

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

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

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

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:

*(Insert local information here.)*



Clerk stamps date here when form is filed.

Read *How do I Get a Private Postsecondary School Violence Restraining Order?* (Form SV-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (Form CLETS-001) with as much information as you know.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_ is  
 the chief administrative officer  
 an officer or employee designated by the chief administrative officer to maintain order on the campus or facility of  
(name of private postsecondary educational institution):  
\_\_\_\_\_

and is filing this petition on behalf of the student in **2**.

b. Lawyer for Petitioner (if any for this case):

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

c. Petitioner's Address (if the petitioner has a lawyer, give the lawyer's information):

Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_  
Sex:  M  F Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Additional Protected Persons**

a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection?  Yes  No (If yes, list them):

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

Additional protected persons are listed in Attachment 4a.

**This is not a Court Order.**



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

Response is stated in Attachment 4b.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5 Relationship of Student and Respondent**

a. How does the student know the respondent? (Describe):

Response is stated in Attachment 5a.

\_\_\_\_\_

b. Respondent  is  is not a current student of petitioner's institution. (Explain any decision to retain, expel, or otherwise discipline the respondent):

Response is stated in Attachment 5b.

\_\_\_\_\_

**6 Venue**

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

a.  The respondent lives in this county.

b.  The respondent has caused physical or emotional injury to the student in this county.

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

**7 Other Court Cases**

a. Has the student or any of the persons named in 4 been involved in another court case with the respondent?

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

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

b. Are there now any restraining orders or criminal protective orders in effect relating to the student or any of the persons in 4 and the respondent?  No  Yes (If yes, attach a copy if you have one.)

**This is not a Court Order.**



**8 Description of Respondent's Conduct**

a. Respondent has (*check one or more*):

- (1)  Assaulted, battered, or stalked the student
- (2)  Made a credible threat of violence against the student by making knowing or willful statements or engaging in a course of conduct that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts were made off the school campus or facility and can reasonably be understood (*check either or both*):

- (1)  To have been carried out at the school campus or facility
- (2)  To be carried out in the future at the school campus or facility

Address of campus or facility: \_\_\_\_\_  
\_\_\_\_\_

c. Describe what happened. (*Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses*):

Response is stated in Attachment 8c.

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d. Was the student harmed or injured?  Yes  No (*If yes, describe harm or injuries*):

Response is stated in Attachment 8d.

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e. Did the respondent use or threaten to use a gun or any other weapon?  Yes  No (*If yes, describe*):

Response is stated in Attachment 8e.

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**This is not a Court Order.**



f. For any of the incidents described above, did the police come?  Yes  No  I don't know

If yes, did the student or the respondent receive an Emergency Protective Order?

Yes  No  I don't know

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

(1)  The student. (2)  The respondent. c.  One or more of the persons in (4).

(Attach a copy of the order if you have one.)

**Check the orders you want.**

**9 Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the student or to any person to be protected listed in (4):

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b.  Make threats of violence against the person.
- c.  Follow or stalk the person during school hours or to or from the school campus or facility.
- d.  Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- e.  Enter the person's school campus or facility.
- f.  Other (specify):  
 As stated in Attachment 9f.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**10 Stay-Away Order**

a. I ask the court to order the respondent to stay at least \_\_\_\_\_ yards away from (check all that apply):

- (1)  The student
- (2)  The other persons listed in (4)
- (3)  The school
- (4)  The student's home
- (5)  The student's job or workplace
- (6)  The school of the student's children
- (7)  The place of child care of the student's children
- (8)  The student's vehicle
- (9)  Other (specify):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is not a Court Order.**



- b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (If no, explain):
- Response is stated on Attachment 10b.
- 
- 

**11 Guns or Other Firearms and Ammunition**

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

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

**12 Request for Immediate Orders Without Notice**

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

Response is stated on Attachment 12.

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**13 Request for Less Than Five Days' Notice**

*You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

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

Response is stated in Attachment 13.

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**14 No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonably fear of violence.

**This is not a Court Order.**



**15**  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

**16**  **Court Costs**

I ask the court to order the respondent to pay my court costs.

**17**  **Additional Orders Requested**

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

Additional orders requested are stated in Attachment 17.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**18** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of petitioner*

▶ \_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

I consent to the filing of the Petition.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Name of student*

▶ \_\_\_\_\_  
*Signature*

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any, for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
b. Your Address (If you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**2 Student (Protected Person)**

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

**3 Respondent (Restrained Person)**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Student: \_\_\_\_\_

**4 Additional Protected Persons**

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

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

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**





**To the Person in ② :**

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

**⑥ Personal Conduct Orders**

Not Requested       Denied Until the Hearing       Granted as Follows:

a. You are ordered **not** do the following things to the student

and to the other protected persons listed in ④ :

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during school hours or to or from the school.
- (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5)  Enter the person's school.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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. However, you may have your papers served by mail on the petitioner.

**⑦ Stay-Away Order**

Not Requested       Denied Until the Hearing       Granted as Follows:

a. You must stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The student
- (2)  Each other protected person listed in ④
- (3)  The school
- (4)  The student's home
- (5)  The student's job or workplace
- (6)  The student's children's school
- (7)  The student's children's place of child care
- (8)  The student's vehicle
- (9)  Other (*specify*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

**This is a Court Order.**



**8 No Guns or Other Firearms and 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:
  - (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use Form SV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)
- c.  The court has received information that you own or possess a firearm.

**9 Other Orders**

- Not Requested       Denied Until the Hearing       Granted as Follows (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 9.

**To the Person in 1 :**

**10 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, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency      Address (City, State, Zip)

\_\_\_\_\_  
\_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

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

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

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

**This is a Court Order.**



⑫ Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

## Warnings and Notices to the Restrained Person in ②

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

### Notice Regarding Nonappearance at Hearing and Service of Order

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

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

### After You Have Been Served With a Restraining Order

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

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, 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. The order *ends* on the expiration date in item 5 on page 1.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was 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, the agency must advise the restrained person of the terms of the order and then enforce it.

### If the Protected Person Contacts the Restrained Person

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

### Conflicting Orders - Priorities for Enforcement

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (Form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

**This is a Court Order.**

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(Clerk will fill out this part.)

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

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

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

**This is a Court Order.**

**Response to Petition for Private Postsecondary School Violence Restraining Orders**

Clerk stamps date here when form is filed.

**Use this form to respond to the *Petition* (Form SV-100)**

- Read *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders (Form SV-120-INFO)?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (*Use Form SV-250, Proof of Service of Response by Mail.*)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

**1 Petitioner (Educational Institution Officer or Employee)**

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

**2 Student Seeking Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

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

b. Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

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

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

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

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

The court will consider your response at the hearing. Write your hearing date, time, and place from Form SV-109, item 4 here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

**4 Personal Conduct Orders**

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

**5 Stay-Away Orders**

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



**6**  **Additional Protected Persons**

- a.  I agree that the persons listed in item **4** of the Petition may be protected by the order requested.
- b.  I do not agree that the persons listed in item **4** of the Petition may be protected by the order requested.

**7**  **Firearms Prohibition and Relinquishment**

**If you were served with Form SV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with Form SV-110. (See Item **8** of Form SV-110.) You must file a receipt with the court. You may use Form CH-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.**

- a.  I do not own or control any guns or other firearms.
- b.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt  is attached.  has already been filed with the court.

**8**  **Other Orders**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**9**  **Denial**

I did not do anything described in item **8** of Form SV-100. (*Skip to **11**.*)

**10**  **Justification or Excuse**

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "SV-120, item 10—Justification or Excuse" for a title.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11**  **No Fee for Filing**

- a.  I ask the court to waive the filing fee because the petitioner claims in Form SV-100 item **14** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

**12**  **Costs**

- a.  I ask the court to order the petitioner to pay my court costs.

The amounts requested are:

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

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 12—Costs" for a title.*
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**13** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*



**What is a private postsecondary school violence restraining order?**

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

**What does the order do?**

The court can order you to:

- Not contact the student who is protected by the order
- Stay away from the student and the student’s home, school and other places
- Not have any guns as long as the order is in effect

**Who can ask for a private postsecondary school violence restraining order?**

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

**I've been served with a petition for private postsecondary school violence restraining orders. What do I do now?**

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

**What if I don't obey the order?**

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form SV-120 to the person named in item ① of the petition Form SV-110 (or that person's lawyer). (This is called “service by mail.”)

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

**Should I go to the court hearing?**

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

**SV-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

① **Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
Fill in court name and street address:  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

② **Student in Need of Protection** Fill in case number:  
 Full Name: \_\_\_\_\_ Case Number:

③ **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the respondent:

<b>Hearing Date</b>	Date: _____	Time: _____	Name and address of court if different from above: Dept.: _____ Room: _____
---------------------	-------------	-------------	--

⑤ **Temporary Restraining Orders** (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, *Request for Private Postsecondary School Violence Restraining Orders*, are (check only one box below):

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

Judicial Council of California, [www.courts.ca.gov](http://www.courts.ca.gov)  
 Revised January 5, 2012. Mandatory form.  
 Code of Civil Procedure, § 527.85  
 Approved by DOJ

**Notice of Court Hearing**  
 (Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



**How long does the order last?**

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

**Do I need a lawyer?**

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

**Will I see the student at the court hearing?**

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

**Can I bring a witness to the court hearing?**

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

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

*[Local information may be inserted.]*

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

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

**What if I have a gun?**

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

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

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

**What if I am deaf or hard of hearing?**

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

**Private Postsecondary School  
Violence Restraining Order After  
Hearing**

*Clerk stamps date here when form is filed.*

**1 Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any, for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_

b. Your Address (If you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**2 Student (Protected Person)**

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

**3 Respondent (Restrained Person)**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Protected Person: \_\_\_\_\_

**4  Additional Protected Persons**

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

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

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

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

**This is a Court Order.**



**6 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The petitioner/school representative *(name)*: \_\_\_\_\_
  - (2)  The lawyer for the petitioner/school *(name)*: \_\_\_\_\_
  - (3)  The student           (4)  The lawyer for the student *(name)*: \_\_\_\_\_
  - (5)  The respondent       (6)  The lawyer for the respondent *(name)*: \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Respondent:**

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

**7 Personal Conduct Orders**

- a. You are ordered **not** do the following things to the student
  - and to the other protected persons listed in **4**:
  - (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  Commit acts of violence or make threats of violence against the person.
  - (3)  Follow or stalk the person during school hours or to or from the school.
  - (4)  Contact the person, 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.
  - (5)  Enter the person’s school.
  - (6)  Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7)  Other *(specify)*:  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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.

**This is a Court Order.**



**8 Stay-Away Order**

**Not Requested**     **Denied Until the Hearing**     **Granted as Follows:**

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The student
- (2)  Each other protected person listed in **4**
- (3)  The school
- (4)  The student's job or workplace
- (5)  The student's job or workplace
- (6)  The student's children's school
- (7)  The student's children's place of child care
- (8)  The student's vehicle
- (9)  Other (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

**9  No Guns or Other Firearms and 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. If you have not already done so, you must:

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

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

**10  Costs**

You must pay the following amounts for costs to the petitioner:

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

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

**11  Other Orders (*specify*):**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**This is a Court Order.**



**To the Person in ① :**

**⑫ 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, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

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

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**⑬ Service of Order on Respondent**

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

**⑭ No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**⑮** Number of pages attached to this Order, if any: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



## Warning and Notice to the Respondent:

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with 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.

## 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 Order 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 ⑤ 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).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*Clerk's Certificate*  
[seal]

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

I certify that this *Private Postsecondary School Violence 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.**



Clerk stamps date here when form is filed.

--

**1 Petitioner (Educational Institution Officer or Employee)**

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

**2 Student in Need of Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

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

**4 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ②, or ④ of Form SV-100.
- Give a copy of all documents checked in ⑤ below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

<b>Superior Court of California, County of</b>

Court fills in case number when form is filed.

<b>Case Number:</b>

**PROOF OF PERSONAL SERVICE****5** I gave the respondent a copy of the forms checked below:

- a.  SV-109, *Notice of Court Hearing*
- b.  SV-110, *Temporary Restraining Order*
- c.  SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*
- d.  SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- e.  SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- f.  SV-130, *Private Postsecondary School Violence Restraining Order After Hearing*
- g.  SV-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- h.  Other (*specify*): \_\_\_\_\_

**6** I personally gave copies of the documents checked above to the respondent

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

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

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

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

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*\_\_\_\_\_  
*Server to sign here*

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

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

**2 Student in Need of Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

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

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: \_\_\_\_\_

**4 To the Respondent:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 5 or 6 and item 7. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form SV-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

**5 To Law Enforcement**

Fill out items 5 and 7 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 7 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_

*Name and title of law enforcement agent*

\_\_\_\_\_  
*Name of law enforcement agency*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of law enforcement agent*

**6 To Licensed Gun Dealer**

Fill out items 6 and 7 of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in 7 were

sold to me  transferred to me for storage on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_

*Name of licensed gun dealer*

\_\_\_\_\_  
*License number Telephone*

\_\_\_\_\_  
*Address*

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

\_\_\_\_\_  
*Signature of gun dealer*



**7** Firearms

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

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "SV-800, Item 7—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

**8** Do you have, own, possess, or control any other firearms besides the firearms listed in **7**?  Yes  No  
If you answered yes, have you turned in, sold, or stored those other firearms?  Yes  No  
(If yes, check one of the boxes below):


- a.  I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):
- b.  I am filing the proof for those firearms along with this proof.
- c.  I have not yet filed the proof for the other firearms. (Explain why not):  
 Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date:

\_\_\_\_\_  
*Type or print your name*

 \_\_\_\_\_  
*Sign your name*

**1 What is a firearm?**

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

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

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

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

Find a California licensed firearms dealer in your area.

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

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

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

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

Ask the law enforcement agency.

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

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

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

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:

*(Insert local information here.)*



**Petition for Workplace Violence Restraining Orders**

Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

Read *How Do I Get an Order to Prohibit Workplace Violence (Form WV-100-INFO)* before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information (Form CLETS-001)* with as much information as you know.

Fill in court name and street address:

**Superior Court of California, County of**  
[Empty space for court name and street address]

Court fills in case number when form is filed.

**Case Number:**  
[Empty space for case number]

**1 Petitioner (Employer)**

a. Name: \_\_\_\_\_

is a  corporation  sole proprietorship

(specify): \_\_\_\_\_

and is filing this suit on behalf of the employee identified in item 2.

b. Lawyer for Petitioner (if any for this case):

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

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

Petitioner's Address (if the petitioner has a lawyer, give the lawyer's information):

c. Address: \_\_\_\_\_

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

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

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

**2 Employee in Need of Protection**

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

Sex:  M  F Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

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

Address (if known): \_\_\_\_\_

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

**4 Additional Protected Persons**

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes  No (If yes, list them):

Full Name	Sex	Age	Household Member?	Relationship to Employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

**This is not a Court Order.**



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

Response is stated in Attachment 4b.

---



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**5 Relationship of Employee and Respondent**

a. How does the employee know the respondent? (*Describe*):  Response is stated in Attachment 5a.

---



---

b. Respondent  is  is not a current employee of petitioner. (*Explain any decision to retain, terminate, or otherwise discipline the respondent*):  Response is stated in Attachment 5b.

---



---

**6 Venue**

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

- a.  The respondent lives in this county.
- b.  The respondent has caused physical or emotional injury to the petitioner's employee in this county.
- c.  Other (*specify*): \_\_\_\_\_

**7 Other Court Cases**

a. Has the employee or any of the persons named in (4) been involved in another court case with the respondent?

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

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

b. Are there now any restraining orders or criminal protective orders in effect relating to the employee or any of the persons in (4) and the respondent?  No  Yes (*If yes, attach a copy if you have one.*)

**This is not a Court Order.**



**8 Description of Respondent's Conduct**

a. Respondent has *(check one or more)*:

- (1)  Assaulted, battered, or stalked the employee
- (2)  Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts *(check either or both)*:

- (1)  Took place at the employee's workplace
- (2)  Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: \_\_\_\_\_  
 \_\_\_\_\_

c. Describe what happened. *(Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses)*:

Response is stated in Attachment 8c.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_

d. Was the employee harmed or injured?  Yes  No *(If yes, describe harm or injuries)*:

Response is stated in Attachment 8d.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Did the respondent use or threaten to use a gun or any other weapon?  Yes  No *(If yes, describe)*:

Response is stated in Attachment 8e.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is not a Court Order.**



f. For any of the incidents described above, did the police come?  Yes  No  I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

Yes  No  I don't know

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

(1)  The employee. (2)  The respondent. c.  One or more of the persons in (4).

Attach a copy of the order if you have one.

**Check the orders you want**

**9  Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in (4):

- a.  Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b.  Commit acts of unlawful violence on or make threats of violence to the person.
- c.  Follow or stalk the person during work hours or to or from the place of work.
- d.  Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- e.  Enter the person's workplace.
- f.  Other (specify):  
 As stated in Attachment 9f.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.*

**10 Stay-Away Order**

a. I ask the court to order the respondent to stay at least \_\_\_\_\_ yards away from (check all that apply):

- (1)  The employee
- (2)  The other persons listed in (4)
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The school of the employee's children
- (7)  The place of child care of the employee's children
- (8)  The employee's vehicle
- (9)  Other (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**





- b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (If no, explain):
- Response is stated on Attachment 10b.
- 
- 

**11 Guns or Other Firearms and Ammunition**

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

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

**12 Request for Immediate Orders Without Notice**

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

Response is stated on Attachment 12.

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**13 Request for Less Than Five Days' Notice**

*You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)*

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

Response is stated in Attachment 13.

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**14 No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

**This is not a Court Order.**



15  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16  **Court Costs**

I ask the court to order the respondent to pay my court costs.

17  **Additional Orders Requested**

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

Additional orders requested are stated in Attachment 17.

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

18 Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Lawyer's name (if any)

▶ \_\_\_\_\_  
Lawyer's signature

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Name of petitioner

▶ \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Employer)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any, for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
b. Your Address (If you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**2 Employee (Protected Person)**

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

**3 Respondent (Restrained Person)**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Student: \_\_\_\_\_

**4 Additional Protected Persons**

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

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

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**

**To the Respondent:**

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

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You are ordered **not** do the following things to the employee

and to the other protected persons listed in **4**:

- (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  Commit acts of violence or make threats of violence against the person.
- (3)  Follow or stalk the person during work hours or to or from the place of work.
- (4)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5)  Enter the workplace of the person.
- (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  Other (*specify*):  
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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. However, you may have your papers served by mail on the petitioner.

**7 Stay-Away Order**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

- (1)  The employee
- (2)  Each other protected person listed in **4**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (*specify*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

**This is a Court Order.**



**8 No Guns or Other Firearms and 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:
  - (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use Form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*)
- c.  The court has received information that you own or possess a firearm.

**9 Other Orders**

- Not Requested       Denied Until the Hearing       Granted as Follows (*specify*):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Additional orders are attached at the end of this Order on Attachment 9.

**To the Petitioner:**

**10 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, the employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

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

- Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

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

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

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

**This is a Court Order.**

⑫ Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

## Warnings and Notices to the Restrained Person in ②

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ③.

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

### After You Have Been Served With a Restraining Order

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

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, 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. The order *ends* on the expiration date in item 5 on page 1.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. 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 order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was 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, the agency must advise the restrained person of the terms of the order and then enforce it.

### If the Protected Person Contacts the Restrained Person

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

### Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

**This is a Court Order.**



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(Clerk will fill out this part.)

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

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

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

**This is a Court Order.**



Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**Use this form to respond to the *Petition* (Form WV-100)**

- Read *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders (Form WV-120-INFO)?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use Form WV-250, Proof of Service of Response by Mail.)

**1 Petitioner (Employer)**

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

**2 Employee Seeking Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

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

b. Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

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

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

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

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

**4  Personal Conduct Orders**

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

\_\_\_\_\_  
\_\_\_\_\_

**5  Stay-Away Orders**

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

\_\_\_\_\_  
\_\_\_\_\_

The court will consider your response at the hearing. Write your hearing date, time, and place from Form WV-109, item ④ here:

**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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



**6**  **Additional Protected Persons**

- a.  I agree that the persons listed in item **4** of the Petition may be protected by the order requested.
- b.  I do not agree that the persons listed in item **4** of the Petition may be protected by the order requested.

**7**  **Firearms Prohibition and Relinquishment**

If you were served with Form WV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with Form WV-110. (See Item **8** of Form WV-110.) You must file a receipt with the court. You may use Form WV-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

- a.  I do not own or control any guns or other firearms.
- b.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.  
A copy of the receipt  is attached.  has already been filed with the court.

**8**  **Other Orders**

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

**9**  **Denial**

I did not do anything described in item **8** of Form WV-100. (*Skip to **11**.*)

**10**  **Justification or Excuse**

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "WV-120, item 10—Justification or Excuse" for a title.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**11**  **No Fee for Filing**

- a.  I ask the court to waive the filing fee because the petitioner claims in Form WV-100 item **14** to be entitled to free filing.
- b.  I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

**12**  **Costs**

- a.  I ask the court to order the petitioner to pay my court costs.

The amounts requested are:

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

- Check here if there are more items. Put the items and amounts on the attached sheet of paper or Form MC-025 and write "Attachment 12—Costs" for a title.
- b.  I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**13** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*

▶ \_\_\_\_\_  
*Lawyer's signature*

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

## What is a workplace violence restraining order?

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

## What does the order do?

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from the student and the student’s home, school and other places
- Not have any guns as long as the order is in effect

## Who can ask for a workplace violence restraining order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

## I've been served with a petition for private workplace violence restraining orders.

### What do I do now?

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

### What if I don't obey the order?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out Form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. You can get the forms from legal publishers or on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form WV-120 to the person named in item ① of the petition Form WV-110 (or that person’s lawyer). (This is called “service by mail.”)

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

## Should I go to the court hearing?

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

**SV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

① **Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
 Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State: \_\_\_\_\_ Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

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

Fill in case number:  
 Case Number: \_\_\_\_\_

② **Student in Need of Protection**  
 Full Name: \_\_\_\_\_

③ **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the respondent:

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

⑤ **Temporary Restraining Orders** (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below):

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)

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

Judicial Council of California, [www.courts.ca.gov](http://www.courts.ca.gov)  
 Revised January 1, 2012, Mandatory Form  
 Code of Civil Procedure, §§ 527.8 and 527.9  
 Approved by DOJ

**Notice of Court Hearing**  
 (Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



**How long does the order last?**

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

**Do I need a lawyer?**

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

**Will I see the employee at the court hearing?**

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

**Can I bring a witness to the court hearing?**

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

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

*[Local information may be inserted.]*

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

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

**What if I have a gun?**

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

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

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

**What if I am deaf or hard of hearing?**

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



Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

**1 Petitioner (Employer)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any, for this case):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
b. Your Address (If you have a lawyer, give your lawyer's information.):  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**  
[Empty box for court name and street address]

**2 Employee (Protected Person)**

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

Court fills in case number when form is filed.

**Case Number:**  
[Empty box for case number]

**3 Respondent (Restrained Person)**

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

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address (if known):  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Employee: \_\_\_\_\_

**4  Additional Protected Persons**

In addition to the employee, the following family or household members or other students are protected by the temporary orders indicated below:

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

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 Expiration Date**

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

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

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

**This is a Court Order.**

**6 Hearing**

- a. There was a hearing on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
*(Name of judicial officer)*: \_\_\_\_\_ made the orders at the hearing.
- b. These people were at the hearing:
  - (1)  The petitioner/employer representative *(name)*: \_\_\_\_\_
  - (2)  The lawyer for the petitioner/employer *(name)*: \_\_\_\_\_
  - (3)  The employee      (4)  The lawyer for the employee *(name)*: \_\_\_\_\_
  - (5)  The respondent      (6)  The lawyer for the respondent *(name)*: \_\_\_\_\_
  - Additional persons present are listed at the end of this Order on Attachment 5.
- c.  The hearing is continued. The parties must return to court on *(date)*: \_\_\_\_\_ at *(time)*: \_\_\_\_\_.

**To the Respondent:**

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

**7 Personal Conduct Orders**

- a. You are ordered **not** do the following things to the employee
  - and to the other protected persons listed in **4**:
  - (1)  Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  Commit acts of violence or make threats of violence against the person.
  - (3)  Follow or stalk the person during work hours or while going to or from the place of work.
  - (4)  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.
  - (5)  Enter the person's workplace.
  - (6)  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7)  Other *(specify)*:  
 Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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.

**This is a Court Order.**

**8 Stay-Away Order**

- a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):
- (1)  The employee
  - (2)  Each other protected person listed in **4**
  - (3)  The employee's workplace
  - (4)  The employee's home
  - (5)  The employee's school
  - (6)  The employee's children's school
  - (7)  The employee's children's place of child care
  - (8)  The employee's vehicle
  - (9)  Other (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**9 No Guns or Other Firearms and 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. If you have not already done so, you must:
- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
  - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. (*You may use Form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.*)
- c.  The court has received information that you own or possess a firearm.

**10 Costs**

You must pay the following amounts for costs to the petitioner

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

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

**11 Other Orders (specify):**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Additional orders are attached at the end of this Order on Attachment 11.

**This is a Court Order.**





**To the Person in ① :**

**⑫ 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, the petitioner or the petitioner’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

\_\_\_\_\_

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

**⑬ Service of Order on Respondent**


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

**⑭ No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because the Order is based on unlawful violence, a credible threat of violence, or stalking.

**⑮** Number of pages attached to this Order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

 \_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



## Warning and Notice to the Respondent:

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with 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.

## 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 Order 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 ⑤ 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).)

**This is a Court Order.**



**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

*Clerk's Certificate*  
[seal]

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

I certify that this *Workplace Violence 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.**

Clerk stamps date here when form is filed.

**1 Petitioner (Employer)**

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

**2 Employee in Need of Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

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

**4 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ②, or ④ of Form WV-100.
- Give a copy of all documents checked in ⑤ below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**PROOF OF PERSONAL SERVICE**

**5** I gave the respondent a copy of the forms checked below:

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

**6** I personally gave copies of the documents checked above to the respondent

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

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*

\_\_\_\_\_  
*Server to sign here*

*Clerk stamps date here when form is filed.*

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Petitioner (Employer)**

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

**2 Employee in Need of Protection**

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

**3 Respondent (Person From Whom Protection Is Sought)**

Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case):

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

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

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: \_\_\_\_\_

**4 To the Respondent:**

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 5 or 6 and item 7. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form WV-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

**5 To Law Enforcement**

Fill out items 5 and 7 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 7 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_

*Name and title of law enforcement agent*

*Name of law enforcement agency*

*Address*

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

\_\_\_\_\_  
*Signature of law enforcement agent*

**6 To Licensed Gun Dealer**

Fill out items 6 and 7 of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in 7 were

sold to me  transferred to me for storage on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_

*Name of licensed gun dealer*

*License number Telephone*

*Address*

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

\_\_\_\_\_  
*Signature of gun dealer*



**7** Firearms

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

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "WV-800, Item 7—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

**8** Do you have, own, possess, or control any other firearms besides the firearms listed in **7**?  Yes  No  
If you answered yes, have you turned in, sold, or stored those other firearms?  Yes  No  
If yes, check one of the boxes below:

- a.  I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):
- b.  I am filing the proof for those firearms along with this proof.
- c.  I have not yet filed the proof for the other firearms. (Explain why not):  
 Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c" for a title.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date:

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

**1 What is a firearm?**

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

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

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

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

Find a California licensed firearms dealer in your area.

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

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

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

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

Ask the law enforcement agency.

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

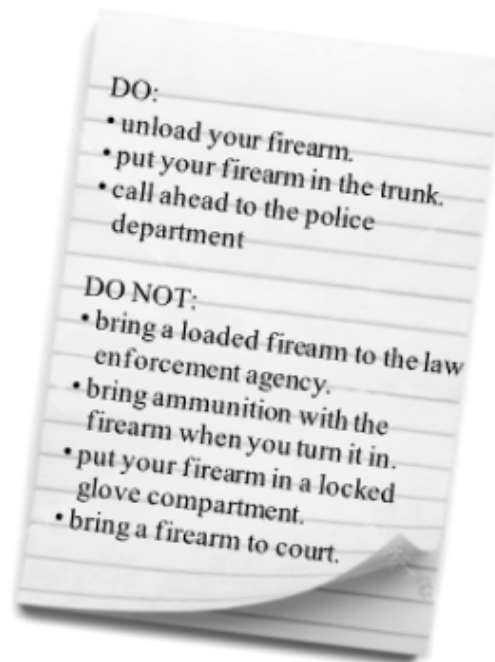
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:  
*(insert local information here.)*



**ITC W14-04**

**Title of proposal:** Restraining Orders: Update Forms to Reflect Recent Changes in the Law

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
1.	California Department of Justice, Law Enforcement Support Program By: Vivian E. Garcia, Field Representative	N/I	<p>The age on all forms should be replaced with actual DOB for all protected persons. Age can be helpful when DOB is unknown for the restrained. Only exact DOB can be entered for protected persons, there is no data field code for age.</p> <p>[An extensive list of the particular forms on which the commentator recommends dates of birth be included is omitted.]</p>	<p>The proposal to include actual dates of birth of protected persons is not within the scope of the Invitation to Comment. It will be considered for future revision. However, the committee notes that the protected person’s date of birth is made available to law enforcement through form CLETS-001, <i>Confidential CLETS Information</i>. The policy has been to not include this information on forms that are publicly available.</p>
			<p>On all 800 forms <i>Proof of Firearms Turned In, Stored, or Sold</i>: Should add a statement to indicate that the courts must send a copy of the DV-800 form to local law enforcement for entry into the Automated Firearms System (AFS).</p>	<p>This comment proposes changes not within the scope of the Invitation to Comment. It will be considered for future revision.</p>
			<p>On the SV-130 and the WV-130, Item 5: Expiration Date information is incorrect verbiage. Verbiage listed is what is used for temporary orders. These are order after hearing forms and should be replaced with the standard language used for all of the other order after hearing forms.</p>	<p>The commentator is correct; this error has been corrected.</p>
			<p>Protected party information on all forms should include sex, and race.</p>	<p>The proposal to include actual dates of birth of protected persons is not within the scope of the Invitation to Comment. It will be considered for future revision. However, the committee notes that the protected person’s sex and race are made available to law enforcement on form CLETS-001, <i>Confidential CLETS Information</i>. The policy has been to not include this information on</p>



**ITC W14-04**

**Title of proposal:** Restraining Orders: Update Forms to Reflect Recent Changes in the Law

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

	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
				publicly available forms.
2.	Marie Hazlett Los Angeles County Sheriff's Department	AM	I agree with all proposals, however the wording for conflicting orders may want to address when more than one domestic violence <b>criminal order</b> (CPO) has been issued.	The statutes provide that for multiple civil orders and for a civil and criminal order, the one issued last should be enforced. While it is reasonable to assume that if there are two criminal orders, the latest in time takes precedence, there is no express authority for it. Therefore, the committee does not believe that the forms text should address this situation.
3.	Stacey Larson Family Law Facilitator Redding, CA	AM	Request for Guidance Distinguishing between Temporary Restraining Orders and Restraining Orders after Noticed Hearing:  Although not addressed in this Invitation to Comment cycle, there is great disparity regarding how different courts document temporary restraining orders continued past the first noticed hearing date and “permanent” restraining orders issued after noticed hearing.	This lengthy comment proposes changes not within the scope of the Invitation to Comment. Further, it addresses particular practices in particular courts. This is not something that can be addressed through the content of Judicial Council forms for protective orders.
			Intended Use of Reissuance Forms (DV-116, CH-116, etc.):  Family Code §245 [and derivative civil protective order statutes] indicates that the court may reissue ex parte temporary restraining orders “upon the filing of a declaration by the petitioner that the respondent could not be served within the time required by statute . . .” This could be viewed as limiting the court’s discretion to reissue to circumstances to cases in which service was not accomplished. However,	This comment raises concerns that are not within the scope of the Invitation to Comment.  However, the committee recognizes that the commentator has valid concerns and that the current forms 115 and 116, though they reflect current practices, are not strictly in conformity with the civil reissuance statutes. (See Code Civ. Proc., §§ 527.6(o), 527.8(o), 527.85(o); Welf. & Inst. Code, § 15657.03(m).) The committee is currently proposing Judicial Council-sponsored legislation that would bring the statutes in line

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	<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
			<p>a review of current forms and the Judicial Council reports pertaining to revision of the CH-116 and DV-116 establishes that this is not true.</p> <p>The 115 forms provides checkboxes for grounds other than failure to serve:</p> <p>Similarly, the 16 forms make clear that the court can continue/reissue the TRO on request of either party or its own motion based upon the parties’ agreement or for other reasons.</p> <p>The obvious question is why the form was designed to allow litigants to request continuance of the hearing and reissuance of the TRO for reasons “other” than lack of service.</p>	with current practices. See Invitation to Comment: Legislative: 14-01.
4.	Orange County Bar Association By: Thomas H. Bienert, Jr., President	A	No further information provided	No response is necessary
5.	Riverside County Probation Department By: Allison Paterson, Executive Secretary	N/I	<p>Aside from minor training on the order of enforcement under Penal Code section 136.2, this proposal will have almost no impact on our department. With regard to the provision allowing storage of firearms with a licensed dealer, the vast majority of offenders we supervise are felons or minors, which renders them ineligible for firearm ownership. Therefore, they cannot temporarily store them with a registered firearm dealer and then reacquire them after the restraining order is lifted.</p> <p>Question: Does this forms proposal appropriately address the stated purpose?</p>	<p>The committee notes the commentator’s lack of concerns with the proposed form revisions.</p> <p>The committee notes the commentator’s agreement that the proposed form revisions</p>

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			Answer: Yes.	address the stated purpose.
			Question: Is the proposed language regarding the priority of orders sufficiently clear and accurate?  Answer: Section 136.2 appears to appropriately distinguish the priority of the different orders.	The committee notes the commentator’s agreement with the proposed language for enforcement of conflicting orders.
			Question: Should the <i>Proof of Firearms Turned in, Sold, or Stored</i> [form] and the related information sheet follow the format of form CH-800 and CH-800-INFO (attached to this proposal) or the format of form DV-800/JV-252 and DV-800/JV-252-INFO (being circulated separately)?  Answer: We prefer the CH-800. It is two pages and seems to have more space to type out information.	The committee notes the commentator’s preference for the two-page version of the firearms receipt form. This version of the form is being retained.
6.	State Bar of California Committee on the Delivery of Legal Services (SCDLS) By: Sharon Ngim, Program Development & Staff Liaison San Francisco	AM	The proposed revision to CH-130, page 1, section 4, says: “If no expiration date is written here, this Order expires five years from the date of issuance.” This is an inaccurate statement of the law.”  Although changes to Code Civ. Proc. section 527.6, operative on July 1, 2014 will enable a Civil Harassment restraining order to last up to five years, 527.6 as operative on July 1, 2014 provides that “The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of	The committee agrees. This correction has been made.

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			<p>issuance.” (Code Civ. Proc., § 527.6(j)(2).)</p> <p>Therefore, CH-130, page 1, section 4 should read: “If no expiration date is written here, this Order expires three years from the date of issuance.”</p>	
			<p>Regarding <i>Proof of Firearms Turned in, Sold, or Stored</i> and the related information sheet, the Judicial Council seeks specific comments as to whether the format of form CH-800 and CH-800-INFO or the format of form DV-800 and DV-800 INFO should be followed.</p> <p>Although DV-800 has the benefit of fitting on one page, the format of CH-800 is better than DV-800 because it provides room for more information that may be useful to bench officers and protectees:</p> <ul style="list-style-type: none"> <li>• DV-800 does not indicate whether the arms were sold or stored, whereas CH-800 does. In some instances, this information may prove to be useful.</li> <li>• CH-800 has room for five firearms, whereas DV-800 only has room for three. Some gun owners have more than three firearms. In such cases, an attachment will be needed. Having an officer or dealer fill out one form is simpler than completing an attachment (especially when the form has clear headings, which an attachment would not have). In some cases, when free-</li> </ul>	<p>The committee notes the commentator’s preference for the two-page firearms receipt forms.</p>

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			<p>from attachments (such as a blank piece of paper) are used, significant information is omitted.</p> <ul style="list-style-type: none"> <li>In addition to documenting what guns the respondent has surrendered, CH-800, item 7 provides a space for the respondent to affirmatively state whether the form deals with all the firearms owned or controlled by the respondent. Information such as this would be very helpful at the firearms review hearing under new rule 5.488.</li> </ul>	
7.	Superior Court of California County of Los Angeles	A	No further information provided	No response is necessary
8.	Superior Court of California County of San Diego By: Michael Roddy, Executive Officer	A	No further information provided	No response is necessary
<b>Other comments received from other sources, but that are relevant to proposed changes to civil protective order forms in ITC W14-04</b>				
9.	State Bar of California Committee on the Delivery of Legal Services (SCDLS) By: Sharon Ngim, Program Development & Staff Liaison San Francisco		The long form for Conflicting Orders on the DV forms (and also on CH, SV, and WV) is better than the short form on the CR (and EA) form. “While taking this approach might make extra pages, the extra length could be a good trade-off.”	The committee notes the commentator’s preference for the long form. The EA forms will use the long form even though it will require adding an additional page.
10.	Harriet Buhai Center Los Angeles		There should be a box on the Request for Orders (100’s) forms to indicate that no TRO is being sought.	This comment raises concerns that are not within the scope of the Invitation to Comment. However, the committee does not really see a need for such

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				a box.
			<p>We recommend inserting several commas as indicated below:</p> <p>“Sell to, or store with, a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms within your immediate possession or control.”</p>	<p>There are commas setting off “or turn in etc.”</p> <p>There is no need for more commas setting off “or store with.”</p>
			<p>Include a box on the 800 forms, <i>Proof of Firearms Turned In, Sold, or Stored</i>, to indicate that the respondent doesn’t have any guns.</p>	<p>The committee does not believe that this would be appropriate. That box currently appears on the Response forms (120’s), which is where it belongs. The 800 form is a receipt (or proof), not a declaration. If the restrained person has no firearms, there is no need to file this form. Hence, the inclusion would mean that the restrained person might have to file the form just to declare that he or she is not required to file the form.</p>