



Judicial Council of California · Administrative Office of the Courts

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2014

Title

Rules and Forms: Miscellaneous Technical Changes

Rules, Forms, Standards, or Statutes Affected
Amend Cal. Rules of Court, rules 1.31, 1.35, 3.20, 5.225, 5.610, 8.108, 10.952 and 10.960; repeal rules 7.551, 7.552, 7.553, and 10.107; revise forms CR-111/JV-791, DAL-015, DE-226, DE-265/GC-065, DE-305, DE-315, FL-192, FL-410, FL-480, GC-150, GC-350, JV-401, POS-050/EFS-050, SV-130, and WV-130

Recommended by

Judicial Council staff
Susan R. McMullan, Senior Attorney
Legal Services

Agenda Item Type

Action Required

Effective Date

January 1, 2015

Date of Report

September 15, 2014

Contact

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Executive Summary

Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in rules and forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

Recommendation

The staff to the Judicial Council recommends that the council, effective January 1, 2015:

1. Amend rules 1.31(b) and 1.35(b) to change the reference to the branch website from “*www.courtinfo.ca.gov*” to “*www.courts.ca.gov*”;
2. Amend rule 3.20(b)(1) to correct a reference, changing it from “3.112(f)” to “3.1112(f)”;
3. Amend rule 5.225(c)(2)(A) to correct an internal reference, changing it from subdivision (i) to subdivision (j). Without this change, courts and persons seeking appointment as a child custody evaluator could misinterpret rule 5.225(c)(2)(A) as permitting an unlicensed court-connected child custody evaluator to be appointed to a case, even though he or she does not meet the experience requirements of the rule and is not supervised by another evaluator who meets all the requirements of the rule;
4. Amend rule 5.610(g)(1) to clarify that the council, and not the Administrative Office of the Courts, can approve modifications to the intercounty juvenile transfer form, *Juvenile Court Transfer Orders* (form JV-550);
5. Repeal rules 7.551, 7.552, and 7.553 because the underlying authority has been repealed or found to be unconstitutional. The requirement of Revenue and Taxation Code section 19513 for a tax clearance certificate from the Franchise Tax Board for the estates described in rule 7.551(a) has been eliminated by section 2 of Assembly Bill 672 (Stats. 2013, ch. 239), which repealed section 19513 effective January 1, 2014. The graduated filing fee in 7.552 and 7.553 was determined to be unconstitutional by *Estate of Claeysens* (2008) 161 Cal.App.4th 465;
6. Amend rule 8.108(d)(2) to correct an internal reference from (e)(2) to (g)(2);
7. Repeal rule 10.107, which was made redundant following the adoption of rule 10.64 for the Trial Court Budget Advisory Committee, effective February 20, 2014;
8. Revise rule 10.952 to reflect the reorganization within the executive branch following the passage of AB 109, eliminating the California Department of Alcohol and Drug Programs. As this rule’s current language is creating confusion and since the statewide department no longer exists, a technical adjustment to rule 10.952 is needed so that it states that the “...county director of alcohol and drug programs or his or her designee...” be included in meetings discussing the criminal court system. This revision is a technical adjustment that reflects the current status of county departments of Alcohol and Drug Programs and eliminates possible confusion involving a state agency that has been eliminated.
9. Revise rule 10.960 to reflect the retirement of the name Administrative Office of the Courts and to include the name of the document that was initially created in response to the rule to make it clear that the guidelines that, under the existing rule, were to be done by March 1, 2008, were indeed completed. The Advisory Committee on Providing Access and Fairness

is responsible for monitoring developments in the field and making recommendations for modifications to those guidelines, as well as developing additional resources for the courts;

10. Revise form DAL-015 to correct a reference in the caption from “Code of Civil Procedure” to “Civil Code”;
11. Revise forms CR-111/JV-791, DE-226, DE-265/GC-065, DE-305, DE-315, FL-480, GC-150, and GC-350 to increase the size of the recorder’s box to conform exactly to the requirements of Government Code section 27361.6, to change “*www.courtinfo.ca.gov*” to “*www.courts.ca.gov*,” and to make minor formatting updates;
12. Revise form FL-192 to update the names of Judicial Council forms used to request modification of a child support order and to update the hyperlink in the form to include the current Judicial Council web page that shows the court holiday schedule;
13. Revise form FL-410 to reflect the correct service requirements of Code of Civil Procedure section 1005(b). Specifically, the reference to “21 calendar days before the court hearing” will be replaced with “16 court days before the hearing.” In addition, “Other Parent” will be replaced with “Other Parent/Party” throughout the form, and the title of page 3 will be corrected to read “Information Sheet for Order to Show Cause and Affidavit for Contempt”;
14. Revise form JV-401, items 3 and 5, to correct internal cross-references;
15. Revise forms POS-050/EFS-050, item 1, to reflect Code of Civil Procedure section 1010.6(1)(A) and delete “and not a party to this action”;
16. Revise forms SV-130 and WV-130, item 13.a, to change “petitioner” to “respondent”;

The text of the amended rules is attached at pages 5–14; copies of the revised forms are attached at pages 15–49.

Previous Council Action

Although the Judicial Council has acted on these rules and forms previously, this proposal recommends only minor corrections unrelated to any prior action.

Rationale for Recommendation

The changes to these rules are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Comments, Alternatives Considered, and Policy Implications

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

Implementation Requirements, Costs, and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Cal. Rules of Court, rules 1.31, 1.35, 3.20, 5.225, 5.610, 7.551, 7.552, 7.553, 8.108, 10.107, 10.952 and 10.960, at pages 5–14
2. Forms CR-111/JV-791, DAL-015, DE-226, DE-265, DE-305, DE-315, FL-192, FL-410, FL-480, GC-150, GC-350, JV-401, POS-050/EFS-050, SV-130, and WV-130, at pages 15–49

Rules 1.31, 1.35, 3.20, 5.225, 5.610, 8.108, 10.952, and 10.960 of the California Rules of Court are amended and rules 7.551, 7.552, 7.553, and 10.107 are repealed, effective January 1, 2015, to read:

1 **Rule 1.31. Mandatory forms**

2
3 (a) * * *

4
5 (b) **List of mandatory forms**

6
7 Each mandatory Judicial Council form is identified as mandatory by an asterisk (*)
8 on the list of Judicial Council forms in Appendix A to the California Rules of
9 Court. The list is available on the California Courts web-site at
10 *www.courts~~info~~.ca.gov/forms*.

11
12 (c)–(g) * * *

13
14 **Rule 1.35. Optional forms**

15
16 (a) * * *

17
18 (b) **List of optional forms**

19
20 Each optional Judicial Council form appears without an asterisk (*) on the list of
21 Judicial Council forms in Appendix A to the California Rules of Court. The list is
22 available on the California Courts Web site at *www.courts~~info~~.ca.gov/forms*.

23
24 (c)–(f) * * *

25
26 **Rule 3.20. Preemption of local rules**

27
28 (a) * * *

29
30 (b) **Application**

31
32 This rule applies to all matters identified in (a) except:

33
34 (1) Trial and post-trial proceedings including but not limited to motions in limine
35 (see rule 3.1112(f));

36
37 (2)–(4) * * *

38

1 **Rule 5.225. Appointment requirements for child custody evaluators**

2
3 (a)–(b) * * *

4
5 (c) **Licensing requirements**

6
7 A person appointed as a child custody evaluator meets the licensing criteria
8 established by Family Code section 3110.5(c)(1)–(5), if:

9
10 (1) * * *

11
12 (2) A person may be appointed as an evaluator even if he or she does not have a
13 license as described in (c)(1) if:

14
15 (A) The court certifies that the person is a court-connected evaluator who
16 meets all the qualifications specified in (ij); or

17
18 (B) * * *

19
20 (d)–(o) * * *

21
22 **Rule 5.610. Transfer-out hearing**

23
24 (a)–(f) * * *

25
26 (g) **Modification of form JV-550**

27
28 ~~Juvenile Court Transfer Orders~~ *Juvenile Court Transfer Orders* (form JV-550) may
29 be modified as follows:

30
31 (1) Notwithstanding the mandatory use of form JV-550, the form may be
32 modified for use by a formalized regional collaboration of courts to facilitate
33 the efficient processing of transfer cases among those courts if the
34 modification has been approved by the Judicial Council of California,
35 ~~Administrative Office of the Courts.~~

36
37 (2) * * *

38
39 (h)–(i) * * *

40
41 ~~**Rule 7.551. Final accounts or reports in estates with nonresident beneficiaries**~~

1 **(a) Final account**

2
3 Under Revenue and Taxation Code section 19513 and the regulations of the
4 Franchise Tax Board, the court must not approve a final account in an estate that
5 has a total appraised value greater than \$1,000,000 and from which more than
6 \$250,000 in the aggregate has been distributed or is distributable to beneficiaries
7 who are not residents of California, until the executor or administrator has filed the
8 Franchise Tax Board's state income tax certificate showing that all state personal
9 income taxes, additions to tax, penalties, and interest imposed on the estate or the
10 decedent have been paid or that payment has been secured.

11
12 **(b) Final report**

13
14 If a final account is waived under Probate Code section 10954 in an estate
15 described in (a), the court must not approve the final report required by section
16 10954(c)(1) until the executor or administrator has filed the Franchise Tax Board's
17 state income tax certificate showing that all state personal income taxes, additions
18 to tax, penalties, and interest imposed on the estate or the decedent have been paid
19 or that payment has been secured.

20
21 **(c) Expiration date of certificate**

22
23 If the certificate described in (a) or (b) is issued on the condition that the final
24 account or report must be approved before a date specified in the certificate, the
25 court must not approve the final account or report after that date unless the executor
26 or administrator first files a new or revised certificate.

27
28 **Rule 7.552. Graduated filing fee adjustments for estates commenced on or after**
29 **August 18, 2003, and before January 1, 2008**

30
31 This rule applies to decedents' estate proceedings commenced on or after August 18,
32 2003, and before January 1, 2008. Rule 7.553 applies to decedents' estate proceedings
33 commenced on or after January 1, 2008.

34
35 **(a) Separate schedule for graduated fee information**

36
37 The final account or report filed in every decedent's estate proceeding commenced
38 on or after August 18, 2003, and before January 1, 2008, must include a separate
39 schedule showing the following information:

- 40
41 (1) The name of each petitioner on the first filed *Petition for Probate* (form DE-
42 111) in the proceeding;

- 1 (2) ~~The date the first filed *Petition for Probate* was filed in the proceeding;~~
2
- 3 (3) ~~The estimated value of the estate shown in item 3, “estimated value of the~~
4 ~~estate for filing fee purposes,” of the first filed *Petition for Probate* in the~~
5 ~~proceeding;~~
6
- 7 (4) ~~The filing fee paid by or for the petitioner on the first filed *Petition for*~~
8 ~~*Probate* in the proceeding; and~~
9
- 10 (5) ~~The following information from the inventories filed in the proceeding:~~
11
- 12 (A) ~~The date each partial, supplemental, final, or corrected *Inventory and*~~
13 ~~*Appraisal* (form DE-160/GC-040) was filed;~~
14
- 15 (B) ~~The total appraised value of the assets of the estate shown in each filed~~
16 ~~partial, supplemental, or final *Inventory and Appraisal*;~~
17
- 18 (C) ~~Changes in the appraised value of the assets of the estate shown in each~~
19 ~~filed corrected *Inventory and Appraisal*; and~~
20
- 21 (D) ~~The combined total appraised value of the estate shown in all filed~~
22 ~~partial, supplemental, final, and corrected inventories.~~
23
- 24 (6) ~~A statement of the amount of filing fee that would have been payable under~~
25 ~~Government Code section 70650, as amended effective on the date the first~~
26 ~~filed *Petition for Probate* was filed in the proceeding, if the total actual~~
27 ~~appraised value of the estate had been used as the estimated value for filing~~
28 ~~fee purposes (the “corrected filing fee”);~~
29
- 30 (7) ~~Calculation of the difference between the estimated filing fee paid under~~
31 ~~Government Code section 70650 on filing the first *Petition for Probate* in the~~
32 ~~proceeding (the “estimated filing fee”) and the “corrected filing fee,” as~~
33 ~~determined under (6) and subdivision (e) of this rule; and~~
34
- 35 (8) ~~The following information concerning filing fee reimbursement payments~~
36 ~~made by a personal representative in the proceeding under rule 7.151:~~
37
- 38 (A) ~~The amount of each payment;~~
39
- 40 (B) ~~The date each payment was made; and~~
41

1 (C) The name, address, and telephone number of the payee and of any
2 attorney of record for the payee in the proceeding.
3

4 **(b) ~~If estimated filing fee less than corrected filing fee~~**
5

6 If the estimated filing fee is less than the corrected filing fee, as determined under
7 (a) and (e), the petition filed with the final account or report must allege that the
8 difference between them has been paid to the clerk of the court. A copy of the
9 clerk's receipt for the payment, and, if applicable, a receipt or other evidence
10 satisfactory to the court of payment of the reimbursement required under rule
11 7.151, must be attached as an exhibit to the account or report.
12

13 **(e) ~~If estimated filing fee more than corrected filing fee~~**
14

15 (1) ~~Subject to the provisions of rule 7.151, if the estimated filing fee is more than~~
16 ~~the corrected filing fee, as determined under (a) and (e), the personal~~
17 ~~representative of the decedent's estate is eligible under this subdivision to~~
18 ~~receive a refund of the difference between them, without interest.~~
19

20 (2) ~~The personal representative must apply to the court for the refund, in~~
21 ~~accordance with the court's local rules and practices for such payments.~~
22

23 (3) ~~Unless authorized to retain a reserve against closing expenses that expressly~~
24 ~~is to include the court's refund payment after the personal representative's~~
25 ~~discharge, the personal representative must not apply for a discharge while an~~
26 ~~application for refund of filing fee under this subdivision is pending and~~
27 ~~before the court's refund payment is received.~~
28

29 **(d) ~~Refund on voluntarily dismissed *Petition for Probate*~~**
30

31 (1) ~~A petitioner that files a *Petition for Probate* on or after August 18, 2003, and~~
32 ~~voluntarily dismisses the petition at any time within 90 days after it is filed~~
33 ~~and before an order granting or denying the petition is filed, is eligible under~~
34 ~~this subdivision to receive a refund, without interest, of all filing fees paid in~~
35 ~~excess of the filing fees that would have been payable on the original filing~~
36 ~~date for a *Petition for Probate* of an estate valued at less than \$250,000.~~
37

38 (2) ~~The petitioner on a dismissed *Petition for Probate* under (1) must apply to the~~
39 ~~court for the refund, in accordance with the court's local rules and practices~~
40 ~~for such payments.~~
41

42 **(e) ~~Additional adjustment in corrected filing fee in insolvent estates~~**
43

1 If the property of the estate is insufficient to pay the expenses of administration in
 2 full, the court may approve a determination of the corrected filing fee that reflects
 3 the proportionate reduction of those expenses under Probate Code section 11420.
 4 The corrected filing fee may not be reduced below the minimum fee required by
 5 Government Code section 70650 on the date the estimated fee was paid.

6

7 **(f) Sample schedule of graduated fee information**

8

9 The schedule of graduated fee information required under (a) may be substantially
 10 as follows:

11

12 SCHEDULE

13

14 Graduated Filing Fee Information

15

- 16 1. The first filed *Petition for Probate* in this proceeding was filed on [Date]
 17 by [name of each petitioner].
 18
 19 2. The estimated value of the estate for filing fee purposes shown on the
 20 first filed *Petition for Probate* in this proceeding is \$ _____.
 21
 22 3. The filing fee paid by or for the petitioners on the first filed *Petition for Probate* in
 23 this proceeding was \$ _____.
 24
 25 4. The following inventories have been filed in this proceeding:
 26

Type	Date Filed	Appraised Value
[Partial no. <u> </u>]	[09/30/09]	\$
[Partial no. <u> </u>]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$(or \$) _____
Total appraised value of estate:		\$ _____

27

28 5. Corrected Filing Fee:

29

Total appraised value of estate: \$

30

Filing fee as of the date in 1 above, based on total
 appraised value of estate: \$

31

Adjustment to reflect proportional reduction of

expenses of administration for insolvent estate under
Cal. Rules of Court, rule 7.552(e): (\$ _____)

1

Corrected Filing Fee: \$ _____

2

3

6. Difference between estimated and corrected filing fee:

4

Estimated filing fee from 3 above: \$

5

Corrected filing fee from 5 above: (\$ _____)

6

Difference: \$ (or \$) _____

7

8

7. Filing fee reimbursements under rule 7.151:

9

Payee(s)	Date Paid	Amount
[Name, address, and telephone number of each payee and attorney of record in the proceeding]	[10/25/09]	\$

10

11

**Rule 7.553. Graduated filing fee statements for decedents' estates commenced on or
after January 1, 2008**

12

13

This rule applies to decedents' estates commenced on or after January 1, 2008.

14

15

(a) Separate schedule for graduated fee information

16

17

The final account or report or petition for final distribution filed in every decedent's
estate proceeding commenced on or after January 1, 2008, must include a separate
schedule showing the following information:

18

19

20

21

(1) The date the first filed *Petition for Probate* (form DE 111) was filed in the
proceeding; and

22

23

24

(2) The following information from the inventories filed in the proceeding:

25

26

(A) The date each partial, supplemental, final, or corrected *Inventory and
Appraisal* (form DE 160/GC 040) was filed;

27

28

29

(B) The total appraised value of the assets of the estate shown in each filed
partial, supplemental, or final *Inventory and Appraisal*;

30

31

32

- (C) Changes in the appraised value of the assets of the estate shown in each filed corrected *Inventory and Appraisal*; and
- (D) The combined total appraised value of the estate shown in all filed partial, supplemental, final, and corrected inventories.

(b) Adjustment in corrected filing fee in insolvent estates

If the property of the estate is insufficient to pay expenses of administration in full, the court may approve a determination of the corrected filing fee under this rule that reflects the proportionate reduction of those expenses under Probate Code section 11420. The corrected filing fee may not be reduced below the minimum fee required by Government Code section 70650 on the date the estate was commenced.

(e) Sample schedule of filing fee information

The schedule of graduated fee information required under (a) may be substantially as follows:

SCHEDULE ___

Graduated Filing Fee Information

- 1. The first filed *Petition for Probate* in this proceeding was filed on [Date] by [name of each petitioner].
- 2. The following inventories have been filed in this proceeding:

Type	Date Filed	Appraised Value
[Partial no. ___]	[09/30/09]	\$
[Partial no. ___]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$(or \$) _____
Total appraised value of estate:		\$ _____

3. Graduated Filing Fee:

Total appraised value of estate: \$

Filing fee as of the date in 1 above, based on total appraised value of estate: \$

1
2
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~~Adjustment to reflect proportional reduction of expenses of administration for insolvent estate under Cal. Rules of Court, rule 7.553(b):~~ (\$ _____)
~~Corrected Filing Fee:~~ \$ _____

Rule 8.108. Extending the time to appeal

(a)–(c) * * *

(d) Motion for judgment notwithstanding the verdict

(1) * * *

(2) Unless extended by (eg)(2), the time to appeal from an order denying a motion for judgment notwithstanding the verdict is governed by rule 8.104.

(e)–(h) * * *

Rule 10.107. Trial Court Budget Working Group

~~The Administrative Director of the Courts must appoint annually a Trial Court Budget Working Group to advise the director on trial court budget issues. The working group must include trial court judicial officers and trial court executive officers reflecting the diversity of state trial courts, including location, size, and adequacy of funding. The working group may also include others selected by the Administrative Director of the Courts.~~

Rule 10.952. Meetings concerning the criminal court system

The supervising judge or, if none, the presiding judge must designate judges of the court to attend regular meetings to be held with the district attorney; public defender; representatives of the local bar, probation department, parole office, sheriff department, police departments, and Forensic Conditional Release Program (CONREP); county mental health director or his or her designee; county ~~director of the California Department of Alcohol and Drug Programs~~ alcohol and drug programs director or his or her designee; court personnel; and other interested persons to identify and eliminate problems in the criminal court system and to discuss other problems of mutual concern.

Rule 10.960. Court self-help centers

1 (a)–(d) * * *

2
3 (e) **Guidelines and procedures**

4
5 The ~~Administrative Office of the Courts~~ Advisory Committee on Providing Access
6 and Fairness must recommend to the council updates to the *Guidelines for the*
7 *Operation of Self-Help Centers in California Trial Courts* as needed. It should, in
8 collaboration with judges, court executives, attorneys, and other parties with
9 demonstrated interest in services to self-represented litigants, ~~must~~ develop and
10 disseminate guidelines, ~~and~~ procedures and best practices for the operation of court
11 self-help centers to the trial courts by March 1, 2008. The guidelines and
12 procedures must address the following topics:

13
14 (1)–(10) * * *

15
16 ~~The Advisory Committee on Providing Access and Fairness in the Courts must~~
17 ~~recommend to the council updated guidelines and procedures for court self help~~
18 ~~centers, as needed.~~

19
20 (f) * * *

21

CR-111/JV-791

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (Optional): _____

ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

CASE NAME:	CASE NUMBER:
------------	--------------

ABSTRACT OF JUDGMENT—RESTITUTION Amended

FOR COURT USE ONLY

1. The judgment creditor assignee of record other (specify):

applies for an abstract of judgment and represents the following:

a. Judgment debtor's

Name and last known address

--	--

--	--

b. Driver's license no. [last 4 digits] and state:

Unknown

c. Social security no. [last 4 digits]:

Unknown

d. Date of birth:

Unknown

Date:

(TYPE OR PRINT NAME)



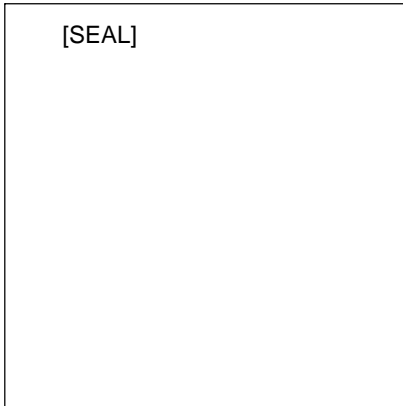
(SIGNATURE OF APPLICANT OR ATTORNEY)

ON INFORMATION AND BELIEF

CASE NAME:	CASE NUMBER:
------------	--------------

CERTIFICATION

- 2. I certify that the following is a true and correct judgment entered in this action.
- 3. Judgment creditor (*name*):
 whose address or whose attorney's address appears on this form above the court's name.
- 4. Judgment debtor (*full name as it appears in judgment*):
- 5. Judgment entered on (*date*):
- 6. Total amount of judgment as entered or last renewed: \$
- 7. A stay of enforcement was ordered on: _____ and is effective until:
 A stay of enforcement was not ordered.



This abstract of judgment was issued on (*date*):

Clerk, by _____, Deputy


ATTORNEY (Name, State Bar number, and address): STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
Plaintiff: Defendant:	
Application for Mandatory Evaluation Conference Under Civil Code section 55.545	CASE NUMBER:

(Information about this application and the filing instructions may be obtained at www.courts.ca.gov/selfhelp)

1. Plaintiff Defendant (name): _____ requests a Mandatory Evaluation Conference under Civil Code section 55.545.
2. The complaint in this case alleges a construction-related accessibility claim.
3. The applicant is ineligible for, or is choosing not to seek, a stay under Civil Code section 55.54. (To seek such a stay, defendant must use form DAL-005.)
4. The applicant is requesting the court to:
 - a. Schedule a Mandatory Evaluation Conference under Civil Code section 55.545(c);
 - b. Order plaintiff to file with the court and serve on defendants the statement required by Civil Code section 55.545(c)(2) at least 30 days before the date of the Mandatory Evaluation Conference; and
 - c. Order defendant to file with the court and serve on plaintiff the statement required by Civil Code section 55.545(c)(3) at least 30 days before the date of the Mandatory Evaluation Conference.

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF ATTORNEY OR PARTY WITHOUT ATTORNEY)

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (optional): _____

ATTORNEY FOR (name): _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

ESTATE OF (Name): _____	CASE NUMBER: _____
DECEDENT	

SPOUSAL **DOMESTIC PARTNER** **PROPERTY ORDER**

FOR COURT USE ONLY

1. Date of hearing: _____ Time: _____
 Dept.: _____ Room: _____

THE COURT FINDS

2. All notices required by law have been given.
3. Decedent died on (date):
 a. a resident of the California county named above.
 b. a nonresident of California and left an estate in the county named above.
 c. intestate. testate.
4. Decedent's surviving spouse surviving registered domestic partner
 is (name): _____

THE COURT FURTHER FINDS AND ORDERS

5. a. The property described in Attachment 5a is property passing to the surviving spouse or surviving registered domestic partner named in item 4, and no administration of it is necessary.
 b. See Attachment 5b for further order(s) respecting transfer of the property to the surviving spouse or surviving registered domestic partner named in item 4.
6. To protect the interests of the creditors of (business name):
 an unincorporated trade or business, a list of all its known creditors and the amount owed each is on file.
 a. Within (specify): _____ days from this date, the surviving spouse or surviving registered domestic partner named in item 4 shall file an undertaking in the amount of \$ _____
 b. See Attachment 6b for further order(s) protecting the interests of creditors of the business.
7. a. The property described in Attachment 7a is property that belonged to the surviving spouse or surviving registered domestic partner under Family Code section 297.5 and Probate Code sections 100 and 101, and the surviving spouse's or surviving domestic partner's ownership upon decedent's death is confirmed.
 b. See Attachment 7b for further order(s) respecting transfer of the property to the surviving spouse or surviving domestic partner.
8. All property described in the *Spousal or Domestic Partner Property Petition* that is not determined to be property passing to the surviving spouse or surviving registered domestic partner under Probate Code section 13500, or confirmed as belonging to the surviving spouse or surviving registered domestic partner under Probate Code sections 100 and 101, shall be subject to administration in the estate of decedent. All of such property is described in Attachment 8.
9. Other (specify): _____

Continued in Attachment 9.

10. Number of pages attached: _____

Date: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
 After recording return to:

TEL NO.: FAX NO. (optional):

E-MAIL ADDRESS (optional):

ATTORNEY FOR (name):

NAME OF COURT:

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

ESTATE OF
 CONSERVATORSHIP OF (name):
 GUARDIANSHIP OF DECEDENT CONSERVATEE MINOR

ORDER CONFIRMING SALE OF REAL PROPERTY
 and Confirming Sale of Other Property as a Unit CASE NUMBER:

1. Hearing date: Time: Dept.: Rm.:

FOR COURT USE ONLY

THE COURT FINDS

- 2. All notices required by law were given and, if required, proof of notice of sale was made.
- 3. a. Sale was authorized or directed by the will
 b. Good reason existed for the sale
 of the property commonly described as (street address or location):
- 4. The sale was legally made and fairly conducted.
- 5. The confirmed sale price is not disproportionate to the value of the property.
- 6. Private sale: The amount bid is 90% or more of the appraised value of the property as appraised within one year of the date of the hearing.
- 7. An offer exceeding the amount bid by the statutory percentages cannot be obtained was obtained in open court.
 The offer complies with all applicable law.
- 8. The personal representative conservator guardian of the estate of the decedent, conservatee, or minor has made reasonable efforts to obtain the highest and best price reasonably attainable for the property.

THE COURT ORDERS

9. The sale of the real property legally described in item 15 on page 2 on Attachment 9 and other property sold as a unit described in item 15 on page 2 on Attachment 9 is confirmed to (name):

(manner of vesting title):
for the sale price of: \$ on the following terms (use item 15 on page 2 or Attachment 9 if necessary):

Continued in item 15 on page 2. Continued on Attachment 9.

10. The personal representative conservator guardian of the estate of the decedent, conservatee, or minor (name):
is directed to execute and deliver a conveyance of the estate's interest in the real property described in item 9 and other property described in item 9 sold as a unit upon receipt of the consideration for the sale.

<input type="checkbox"/> ESTATE OF <input type="checkbox"/> CONSERVATORSHIP OF <input type="checkbox"/> GUARDIANSHIP OF (name):	CASE NUMBER:
--	--------------

11. a. No additional bond is required.
 b. Additional bond is required in the amount of: \$ _____, surety, or otherwise, as provided by law.
 c. Net sale proceeds must be deposited by escrow holder in a blocked account to be withdrawn only on court order.
 Receipts must be filed. (*Specify institution and location*):

12. a. No commission is payable.
 b. A commission from the proceeds of the sale is approved in the amount of: \$ _____
 to be paid as follows (*specify*):

13. Other (*specify, use Attachment 13 if necessary*):

14. Number of pages attached:

Date: _____
JUDICIAL OFFICER

Signature follows last attachment.

15. (Check all that apply): Legal description of the real property personal property in item 9:
 Additional terms of sale from item 9:

[SEAL]	<p style="text-align: center;">CLERK'S CERTIFICATE</p> <p>I certify that the foregoing <i>Order Confirming Sale of Real Property</i>, including any attached description of real or personal property, is a true and correct copy of the original on file in my office.</p> <p>Date: _____ CLERK, by _____, Deputy</p>
--------	---

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

MATTER OF (name):

DECEDENT

CASE NUMBER:

**AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE
(\$50,000 or Less)**

FOR COURT USE ONLY

1. Decedent (name):
died on (date):
2. Decedent died at (city, state):
3. At least **six months** have elapsed since the date of death of decedent as shown in the certified copy of decedent's death certificate attached to this affidavit. (Attach a certified copy of decedent's death certificate.)
4. a. Decedent was domiciled in this county at the time of death.
b. Decedent was **not** domiciled in California at the time of death. Decedent died owning real property in this county.
5. a. The **legal description** and the Assessor's Parcel Number (APN) of decedent's real property claimed by the declarant(s) are provided on an attached page labeled Attachment 5a, "Legal Description." (Copy legal description **exactly** from deed or other legal instrument.)
b. Decedent's interest in this real property is as follows (specify):
6. Each declarant is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real property described in item 5a, or signs this declaration on behalf of an entity that is a successor of decedent and to decedent's interest in the real property, and no other person or entity has a superior right, because each declarant or entity is:
 - a. (will) a beneficiary that succeeded to the property under decedent's will. (Attach a copy of the will.)
 - b. (no will) a person who succeeded to the property under Probate Code sections 6401 and 6402.
7. Names and addresses of each guardian or conservator of decedent's estate at date of death: none are as follows:*

<u>Names</u>	<u>Addresses</u>
--------------	------------------

(*You must mail [or serve, per Prob. Code, § 1216] a copy of this affidavit and all attachments to each guardian or conservator listed above. You may use Judicial Council form POS-030 for a proof of mailing or form POS-020 for a proof of personal service.)

8. The **gross value** of decedent's interest in all real property located in California as shown by the attached *Inventory and Appraisal*—excluding the real property described in Probate Code section 13050 (property held in joint tenancy or as a life estate or other interest terminable upon decedent's death, property passing to decedent's spouse, property in a trust revocable by the decedent, etc.)—did not exceed \$50,000 as of the date of decedent's death.

MATTER OF (Name):	CASE NUMBER:
DECEDENT	

9. An *Inventory and Appraisal* of all of decedent's interests in **real property** in California is attached. The appraisal was made by a probate referee appointed for the county in which the property is located. (You must prepare the *Inventory on Judicial Council forms DE-160 and DE-161*. You may select any probate referee appointed for the county for the appraisal. The California State Controller's Office has a list of all probate referees, shown by county on its website, and each court has a list of probate referees appointed for its county. Check with the probate referee you select or consult an attorney for help in preparing the *Inventory*.)
10. No proceeding is now being or has been conducted in California for administration of decedent's estate.
11. Funeral expenses, expenses of last illness, and all known unsecured debts of the decedent have been paid. (NOTE: You may be personally liable for decedent's unsecured debts up to the fair market value of the real property and any income you receive from it.)

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

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

Date: _____

(TYPE OR PRINT NAME)*

(SIGNATURE OF DECLARANT)

SIGNATURE OF ADDITIONAL DECLARANTS ATTACHED

*** A declarant claiming on behalf of a trust or other entity should also state the name of the entity that is a beneficiary under the decedent's will, and declarant's capacity to sign on behalf of the entity (e.g., trustee, Chief Executive Officer, etc.).**

NOTARY ACKNOWLEDGMENT (NOTE: No notary acknowledgment may be affixed as a rider (small strip) to this page. If additional notary acknowledgments are required, they must be attached as 8-1/2-by-11-inch pages.)

STATE OF CALIFORNIA, COUNTY OF (specify): _____

On (date): _____, before me (name and title): _____

personally appeared (name(s)): _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the instrument in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY PUBLIC)

(NOTARY SEAL)

(SEAL)

CLERK'S CERTIFICATE

I certify that the foregoing, including any attached notary acknowledgments and any attached legal description of the property (but excluding other attachments), is a true and correct copy of the original affidavit on file in my office. (Certified copies of this affidavit do not include the (1) death certificate, (2) will, or (3) inventory and appraisal. See Probate Code section 13202.)

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (optional): _____

ATTORNEY FOR (name): _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

MATTER OF (name): _____	CASE NUMBER: _____
DECEDENT	

ORDER DETERMINING SUCCESSION TO REAL PROPERTY
 And Personal Property
(Estates of \$150,000 or Less)

FOR COURT USE ONLY

1. Date of hearing: _____ Time: _____
 Dept./Room: _____
 Judicial Officer (name): _____

THE COURT FINDS

2. All notices required by law have been given.
3. Decedent died on (date): _____
 - a. a resident of the California county named above.
 - b. a nonresident of California and owned property in the county named above.
 - c. intestate. testate.
4. At least 40 days have elapsed since the date of decedent's death.
5. a. No proceeding for the administration of decedent's estate is being conducted or has been conducted in California.
 b. Decedent's personal representative has filed a consent to use the procedure provided in Probate Code section 13150 et seq.
6. The gross value of decedent's real and personal property in California, excluding property described in Probate Code section 13050, did not exceed \$150,000 as of the date of decedent's death.
7. Each petitioner is a successor of decedent (as defined in Probate Code section 13006) and a successor to decedent's interest in the real and personal property _____ described in item 9a because each petitioner is:
 - a. **(will)** a beneficiary who succeeded to the property under decedent's will.
 - b. **(no will)** a person who succeeded to the property under Probate Code sections 6401 and 6402.

THE COURT FURTHER FINDS AND ORDERS

8. No administration of decedent's estate is necessary in California.
9. a. The real and personal property described in Attachment 9a described as follows _____ is property of decedent passing to each petitioner (give **legal description** of real property).

 b. Each petitioner's **name** and specific property interest is stated in Attachment 9b. is as follows (specify): _____
10. Other orders are stated in Attachment 10.
11. Number of pages attached: _____

Date: _____

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

NOTICE OF RIGHTS AND RESPONSIBILITIES
Health-Care Costs and Reimbursement Procedures

IF YOU HAVE A CHILD SUPPORT ORDER THAT INCLUDES A PROVISION FOR THE REIMBURSEMENT OF A PORTION OF THE CHILD'S OR CHILDREN'S HEALTH-CARE COSTS AND THOSE COSTS ARE NOT PAID BY INSURANCE, THE LAW SAYS:

1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs not paid by insurance. You must give this statement to the other parent within a reasonable time, but no more than 30 days after those costs were given to you.

2. Proof of full payment. If you have already paid all of the uninsured costs, you must (1) give the other parent proof that you paid them and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

3. Proof of partial payment. If you have paid only your share of the uninsured costs, you must (1) give the other parent proof that you paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) give the other parent the information necessary for that parent to be able to pay the bill.

4. Payment by notified parent. If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders; or if the court has not specified a period of time, you must make payment (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by you and the other parent, or (4) according to a schedule adopted by the court.

5. Disputed charges. If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees and costs against a party who has been unreasonable.

6. Court-ordered insurance coverage. If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

a. Burden to prove. The party claiming that the coverage is inadequate to meet the child's needs has the burden of proving that to the court.

b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that ordered by the court, that parent must pay all the costs of the additional coverage. In addition, if a parent uses alternative coverage that costs more than the coverage provided by court order, that parent must pay the difference.

7. Preferred health providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health provider if that provider had been used must be the sole responsibility of the party incurring those costs.

INFORMATION SHEET ON CHANGING A CHILD SUPPORT ORDER

General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if it is involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (form FL-350) or *Stipulation and Order (Governmental)* (form FL-625).

When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net incomes of both parents are determined, along with the percentage of time each parent has physical custody of the children. The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when the net income of one of the parents changes significantly, the parenting schedule changes significantly, or a new child is born.

Examples

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10 percent interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your children 30 percent of the time. After several months it turns out that you actually have physical custody of the children 50 percent of the time. You may file a motion to modify child support to a lower amount.

How to Change a Child Support Order

To change a child support order, you must file papers with the court. *Remember:* You must follow the order you have now.

What forms do I need?

If you are asking to change a child support order open with the local child support agency, you must fill out one of these forms:

- FL-680, *Notice of Motion (Governmental)* **or** FL-683 *Order to Show Cause (Governmental)* **and**
- FL-684, *Request for Order and Supporting Declaration (Governmental)*

If you are asking to change a child support order that is **not** open with the local child support agency, you must fill out one of these forms:

- FL-300, *Request for Order* **or**
- FL-390, *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support*

You must also fill out one of these forms:

- FL-150, *Income and Expense Declaration* **or** FL-155, *Financial Statement (Simplified)*

What if I am not sure which forms to fill out?

Talk to the family law facilitator at your court.

After you fill out the forms, file them with the court clerk and ask for a hearing date. Write the hearing date on the form.

The clerk will ask you to pay a filing fee. If you cannot afford the fee, fill out these forms, too:

- Form FW-001, *Request to Waive Court Fees*
- Form FW-003, *Order on Court Fee Waiver (Superior Court)*

You must serve the other parent. If the local child support agency is involved, serve it too.

This means someone 18 or over—**not you**—must serve the other parent copies of your filed court forms at least **16 court days** before the hearing. Add **5 calendar days** if you serve by mail within California (see Code of Civil Procedure section 1005 for other situations). **Court days** are weekdays when the court is open for business (Monday through Friday except court holidays). **Calendar days** include all days of the month, including weekends and holidays. To find court holidays, go to www.courts.ca.gov/holidays.htm.

The server must also serve blank copies of these forms:

- FL-320, *Responsive Declaration to Request for Order* **and** FL-150, *Income and Expense Declaration*, **or**
- FL-155, *Financial Statement (Simplified)*

Then the server fills out and signs a *Proof of Service* (form FL-330 or FL-335). Take this form to the clerk and file it.

Go to your hearing and ask the judge to change the support. Bring your tax returns from the last two years and your last two months' pay stubs. The judge will look at your information, listen to both parents, and make an order. After the hearing, fill out:

- FL-340, *Findings and Order After Hearing* **and**
- FL-342, *Child Support Information and Order Attachment*

Need help?

Contact the family law facilitator in your county or call your county's bar association and ask for an experienced family lawyer.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO. (<i>optional</i>): _____ E-MAIL ADDRESS (<i>optional</i>): _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY DRAFT not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/PARENT:	
ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT	CASE NUMBER:
<p style="text-align: center;">NOTICE!</p> <p>A contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include jail sentence, community service, and fine.</p> <p>You are entitled to the services of an attorney, who should be consulted promptly in order to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent you.</p>	<p style="text-align: center;">¡AVISO!</p> <p>Un proceso judicial por desacato es de índole criminal. Si la corte le declara a usted en desacato, las sanciones posibles incluyen penas de prisión y de servicio a la comunidad, y multas.</p> <p>Usted tiene derecho a los servicios de un abogado, a quien debe consultar sin demora para obtener ayuda. Si no puede pagar a un abogado, la corte podrá nombrar a un abogado para que le represente.</p>

1. TO CITEE (*name of person you allege has violated the orders*):
2. YOU ARE ORDERED TO APPEAR IN THIS COURT AS FOLLOWS, TO GIVE ANY LEGAL REASON WHY THIS COURT SHOULD NOT FIND YOU GUILTY OF CONTEMPT, PUNISH YOU FOR WILLFULLY DISOBEYING ITS ORDERS AS SET FORTH IN THE AFFIDAVIT BELOW AND ANY ATTACHED *AFFIDAVIT OF FACTS CONSTITUTING CONTEMPT*; AND REQUIRE YOU TO PAY, FOR THE BENEFIT OF THE MOVING PARTY, THE ATTORNEY FEES AND COSTS OF THIS PROCEEDING.

a. Date:	Time:	Dept.:	Rm.:
----------	-------	--------	------

b. Address of court: same as noted above other (*specify*):

Date:

JUDICIAL OFFICER

AFFIDAVIT SUPPORTING ORDER TO SHOW CAUSE FOR CONTEMPT

3. An *Affidavit of Facts Constituting Contempt* (form FL-411 or FL-412) is attached.
4. Citee has willfully disobeyed certain orders of this court as set forth in this affidavit and any attached affidavits.
5. a. Citee had knowledge of the order in that
 - (1) citee was present in court at the time the order was made.
 - (2) citee was served with a copy of the order.
 - (3) citee signed a stipulation upon which the order was based.
 - (4) other (*specify*):
- Continued on Attachment 5a(4).
- b. Citee was able to comply with each order when it was disobeyed.
6. Based on the instances of disobedience described in this affidavit
 - a. I have not previously filed a request with the court that the citee be held in contempt.
 - b. I have previously filed a request with the court that the citee be held in contempt (*specify date filed and results*):

Continued on Attachment 6b.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARTY/PARENT:	CASE NUMBER:
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7. Citee has previously been found in contempt of a court order (specify case, court, date):

Continued on Attachment 7.

8. Each order disobeyed and each instance of disobedience is described as follows:

- a. Orders for child support, spousal support, family support, attorney fees, and court or other litigation costs (see attached *Affidavit of Facts Constituting Contempt* (form FL-411))
- b. Domestic violence restraining orders and child custody and visitation orders (see attached *Affidavit of Facts Constituting Contempt* (form FL-412))
- c. Injunctive or other order (specify which order was violated, how the order was violated, and when the order was violated):

Continued on Attachment 8c.

d. Other material facts, including facts indicating that the violation of the orders was without justification or excuse (specify):

Continued on Attachment 8d.

e. I am requesting that attorney fees and costs be awarded to me for the costs of pursuing this contempt action. (A copy of my *Income and Expense Declaration* (form FL-150) is attached.)

WARNING: IF YOU PURSUE THIS CONTEMPT ACTION, IT MAY AFFECT THE ABILITY OF THE DISTRICT ATTORNEY TO PROSECUTE THE CITEE CRIMINALLY FOR THE SAME VIOLATIONS.

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

INFORMATION SHEET FOR ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT

(Do NOT deliver this Information Sheet to the court clerk.)

Please follow these instructions to complete the *Order to Show Cause and Affidavit for Contempt* (form FL-410) if you do not have an attorney to represent you. Your attorney, if you have one, should complete this form, as well as the *Affidavit of Facts Constituting Contempt* (form FL-411 or form FL-412). You may wish to consult an attorney for assistance. Contempt actions are very difficult to prove. An attorney may be appointed for the citee.

INSTRUCTIONS FOR COMPLETING THE ORDER TO SHOW CAUSE AND AFFIDAVIT FOR CONTEMPT (TYPE OR PRINT FORM IN INK):

If the top section of the form has already been filled out, skip down to number 1 below. If the top section of the form is blank, you must provide this information.

Front page, first box, top of form, left side: Print your name, address, telephone number, and fax number, if any, in this box. If you have a restraining order and wish to keep your address confidential, you may use any address where you can receive mail. **You can be legally served court papers at this address.**

Front page, second box, left side: Print the name of the county where the court is located and insert the address and any branch name of the court building where you are seeking to obtain a contempt order. You may get this information from the court clerk. This should be the same court in which the original order was issued.

Front page, third box, left side: Print the names of the Petitioner, Respondent, and Other Party/Parent (if any) in this box. Use the same names as appear on the most recent court order disobeyed.

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print the court case number in this box. This number is also shown on the most recent court order disobeyed.

Item 1: Insert the name of the party who disobeyed the order ("the citee").

Item 2: The court clerk will provide the hearing date and location.

Item 3: Either check the box in item 3 and attach an *Affidavit of Facts Constituting Contempt* (form FL-411 for financial orders or form FL-412 for domestic violence, or custody and visitation orders), or leave the box in item 3 blank but check and complete item 8.

Item 5: Check the box that describes how the citee knew about the order that has been disobeyed.

Item 6: a. Check this box if you have not previously applied for a contempt order.

b. Check this box if you have previously applied for a contempt order and briefly explain when you requested the order and results of your request. If you need more space, check the box that says "continued on Attachment 6b" and attach a separate sheet to this order to show cause.

Item 7: Check this box if the citee has previously been found in contempt by a court of law. Briefly explain when the citee was found in contempt and for what. If there is not enough space to write all the facts, check the box that says "continued on Attachment 7" and attach a separate sheet to this order to show cause.

Item 8: a. Check this box if the citee has disobeyed orders for child support, custody, visitation, spousal support, family support, attorney fees, and court or litigation costs. Refer to item 1a on *Affidavit of Facts Constituting Contempt* (form FL-411).

b. Check this box if the citee has disobeyed domestic violence orders or child custody and visitation orders. Refer to *Affidavit of Facts Constituting Contempt* (form FL-412).

Information Sheet (continued)

- Item 8:
- c. If you are completing this item, use facts personally known to you or known to the best of your knowledge. State the facts in detail. If there is not enough space to write all the facts, check the box that says "continued on Attachment 8c" and attach a separate sheet to this order to show cause, including facts indicating that the violation of the orders was without justification or excuse.

 - d. Use this item to write other facts that are important to this order. If you are completing this item, insert facts personally known to you, or known to the best of your knowledge. State facts in detail. If there is not enough space to write all the facts, check the box that says "Continued on Attachment 8d" and attach a separate sheet to the order to show cause.

 - e. If you request attorney fees and/or costs for pursuing this contempt action, check this box. Attach a copy of your *Income and Expense Declaration* (form FL-150).

Type or print and sign your name at the bottom of page 2.

If you checked the boxes in item 3 and item 8a or 8b, complete the appropriate *Affidavit of Facts Constituting Contempt* (form FL-411), following the instructions for the affidavit above.

Make at least three copies of the *Order to Show Cause and Affidavit for Contempt* (form FL-410) and any supporting *Affidavit of Facts Constituting Contempt* (form FL-411 or FL-412) and the *Income and Expense Declaration* (form FL-150) for the court clerk, the citee, and yourself. If the district attorney or local child support agency is involved in your case, you must provide a copy to the district attorney or local child support agency.

Take the completed form(s) to the court clerk's office. The clerk will provide hearing date and location in item 2, obtain the judicial officer's signature, file the originals, and return the copies to you.

Have someone who is at least 18 years of age, who is not a party, serve the order and any attached papers on the disobedient party. For example, a process server or someone you know may serve the papers. **You may not serve the papers yourself. Service must be personal; service by mail is insufficient.** The papers must be served at least 16 court days before the hearing. The person serving papers must complete a *Proof of Personal Service* (form FL-330) and give the original to you. Keep a copy for yourself and file the original *Proof of Personal Service* (form FL-330) with the court.

If you need assistance with these forms, contact an attorney or the Family Law Facilitator in your county.

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
 ATTORNEY FOR JUDGMENT CREDITOR ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

PETITIONER/PLAINTIFF:

CASE NUMBER:

RESPONDENT/DEFENDANT:

FOR COURT USE ONLY

ABSTRACT OF SUPPORT JUDGMENT

1. The original judgment creditor assignee of record applies for an abstract of a support judgment and represents the following:

a. Judgment debtor's name and last known address

[]

[]

b. Driver's license no. and state:
c. Social security number [last four digits]:
d. Birth date:
Date:

Unknown
 Unknown
 Unknown

(TYPE OR PRINT NAME)

(SIGNATURE OF APPLICANT OR ATTORNEY)

2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.

3. Judgment creditor (name):

whose address appears on this form above the court's name.

4. The support is ordered to be paid to the following county officer (name and address):

5. Judgment debtor (full name as it appears in judgment):

6. a. A judgment was entered on (date):
b. Renewal was entered on (date):
c. Renewal was entered on (date):

7. An execution lien is endorsed on the judgment as follows:
a. Amount: \$
b. In favor of (name and address):

[SEAL]

8. A stay of enforcement has
a. not been ordered by the court.
b. been ordered by the court effective until (date):

9. This is an installment judgment.

This abstract issued on (date):

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording, return to:

TEL NO.: _____ FAX NO. (optional): _____

E-MAIL ADDRESS (optional): _____

ATTORNEY FOR (name): _____

SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____

STREET ADDRESS: _____

MAILING ADDRESS: _____

CITY AND ZIP CODE: _____

BRANCH NAME: _____

FOR RECORDER'S USE ONLY

TEMPORARY GUARDIANSHIP CONSERVATORSHIP
OF (name): _____

MINOR CONSERVATEE

CASE NUMBER: _____

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
 Person Estate

FOR COURT USE ONLY

LETTERS

1. (Name):

is appointed temporary guardian conservator of the person
 estate of (name):

2. Other powers that have been granted or restrictions imposed on the temporary
 guardian conservator are specified in Attachment 2.
 specified below:

3. These Letters shall expire

- a. on (date): _____ or upon earlier issuance of Letters to a general guardian or conservator.
- b. on other date (specify): _____

4. The temporary guardian conservator is not authorized to take possession of money or any other property without a specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date:

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a temporary conservatorship of the estate as provided in Probate Code section 1875.

TEMPORARY <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF (name): <div style="text-align: right; padding-right: 20px;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE </div>	CASE NUMBER:
---	--------------

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Temporary Guardianship* or *Letters of Temporary Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the temporary guardian or temporary conservator of the estate (1) to take possession or control of an asset of the minor or conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the guardianship or conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The temporary guardian or temporary conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution’s or financial institution’s responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch’s public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter, or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, insurance broker, insurance agent, investment company, investment bank, securities broker-dealer, investment advisor, financial planner, financial advisor, or any other person who takes, holds, or controls an asset subject to a conservatorship or guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the minor or conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, trust (including a Totten trust account but excluding other trust arrangements described in Probate Code section 82(b)), savings and loan association, savings bank, industrial bank, or credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe deposit box held by the financial institution. A single form may be filed for all affected accounts or safe deposit boxes held by the financial institution.

LETTERS OF TEMPORARY GUARDIANSHIP CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of temporary guardian. conservator.

Executed on (date): _____, at (place): _____

_____ (TYPE OR PRINT NAME)	_____ (SIGNATURE OF APPOINTEE)
-------------------------------	-----------------------------------

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside and are still in full force and effect.

(SEAL)

Date: _____

Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (name, address, and State Bar number):
After recording return to:

TEL NO.: FAX NO. (optional):
E-MAIL ADDRESS (optional):
ATTORNEY FOR (name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S USE ONLY

CONSERVATORSHIP OF (name):

CONSERVATEE

CASE NUMBER:

LETTERS OF CONSERVATORSHIP

Person Estate Limited Conservatorship

FOR COURT USE ONLY

1. (Name): _____ is the appointed
 conservator limited conservator of the person estate
of (name): _____
2. (For conservatorship that was on December 31, 1980, a guardianship of an adult or of
the person of a married minor) (Name): _____
was appointed the guardian of the person estate by order dated
(specify): _____ and is now the conservator of the person
 estate of (name): _____
3. Other powers have been granted or conditions imposed as follows:
 - a. Exclusive authority to give consent for and to require the conservatee to receive
medical treatment that the conservator in good faith based on medical advice
determines to be necessary even if the conservatee objects, subject to the limitations
stated in Probate Code section 2356.
 - (1) This treatment shall be performed by an accredited practitioner of the religion whose tenets and practices call
for reliance on prayer alone for healing of which the conservatee was an adherent prior to the establishment of
the conservatorship.
 - (2) (If court order limits duration) This medical authority terminates on (date): _____
 - b. Authority to place the conservatee in a care or nursing facility described in Probate Code section 2356.5(b).
 - c. Authority to authorize the administration of medications appropriate for the care and treatment of dementia described in
Probate Code section 2356.5(c).
 - d. Powers to be exercised independently under Probate Code section 2590 are specified in Attachment 3d (specify powers,
restrictions, conditions, and limitations).
 - e. Conditions relating to the care and custody of property under Probate Code section 2402 are specified in Attachment 3e.
 - f. Conditions relating to the care, treatment, education, and welfare of the conservatee under Probate Code section 2358
are specified in Attachment 3f.
 - g. (For limited conservatorship only) Powers of the limited conservator of the person under Probate Code section 2351.5 are
specified in Attachment 3g.
 - h. (For limited conservatorship only) Powers of the limited conservator of the estate under Probate Code section 1830(b) are
specified in Attachment 3h.
 - i. Other powers granted or conditions imposed are specified in Attachment 3i.

(SEAL)

4. The conservator is **not** authorized to take possession of money or any other property without a
specific court order.

5. Number of pages attached:

WITNESS, clerk of the court, with seal of the court affixed.

Date:

Clerk, by _____, Deputy

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in Probate Code § 1875.

CONSERVATORSHIP OF (name):	CASE NUMBER:
CONSERVATEE	

NOTICE TO INSTITUTIONS AND FINANCIAL INSTITUTIONS
(Probate Code sections 2890–2893)

When these *Letters of Conservatorship* (Letters) are delivered to you as an employee or other representative of an *institution* or *financial institution* (described below) in order for the conservator of the estate (1) to take possession or control of an asset of the conservatee named above held by your institution (including changing title, withdrawing all or any portion of the asset, or transferring all or any portion of the asset) or (2) to open or change the name of an account or a safe-deposit box in your financial institution to reflect the conservatorship, you must fill out Judicial Council form GC-050 (for an institution) or form GC-051 (for a financial institution). An officer authorized by your institution or financial institution must date and sign the form, and you must file the completed form with the court.

There is no filing fee for filing the form. You may either arrange for personal delivery of the form or mail it to the court for filing at the address given for the court on page 1 of these Letters.

The conservator should deliver a blank copy of the appropriate form to you with these Letters, but it is your institution's or financial institution's responsibility to complete the correct form, have an authorized officer sign it, and file the completed form with the court. If the correct form is not delivered with these Letters or is unavailable for any other reason, blank copies of the forms may be obtained from the court. The forms may also be accessed from the judicial branch's public Web site free of charge. The Internet address (URL) is www.courts.ca.gov/forms/. Select the form group *Probate—Guardianships and Conservatorships* and scroll down to form GC-050 for an institution or form GC-051 for a financial institution. The forms may be printed out as blank forms and filled in by typewriter or may be filled out online and printed out ready for signature and filing.

An *institution* under California Probate Code section 2890(c) is an insurance company, agent, or broker; an investment company; an investment bank; a securities broker-dealer; an investment advisor; a financial planner; a financial advisor; or any other person who takes, holds, or controls an asset subject to a guardianship other than a financial institution. Institutions must file a *Notice of Taking Possession or Control of an Asset of Minor or Conservatee* (form GC-050) for an asset of the conservatee held by the institution. A single form may be filed for all affected assets held by the institution.

A *financial institution* under California Probate Code section 2892(b) is a bank, a trust, a savings and loan association, a savings bank, an industrial bank, or a credit union. Financial institutions must file a *Notice of Opening or Changing a Guardianship or Conservatorship Account or Safe-Deposit Box* (form GC-051) for an account or a safe-deposit box held by the financial institution. A single form may be filed for all affected accounts or safe-deposit boxes held by the financial institution.

LETTERS OF CONSERVATORSHIP
AFFIRMATION

I solemnly affirm that I will perform according to law the duties of conservator limited conservator.

Executed on (date): _____, at (place): _____

(TYPE OR PRINT NAME)	(SIGNATURE OF APPOINTEE)
----------------------	--------------------------

CERTIFICATION

I certify that this document, including any attachments, is a correct copy of the original on file in my office, and that the Letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

(SEAL)

Date:

Clerk, by _____, Deputy

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

VISITATION ATTACHMENT: SIBLING

1. Anyone who appears to be under the influence of alcohol or any controlled substance will not be allowed to participate in a scheduled visit with the child. The visitation supervisor may terminate the visit if this order is violated.
2. Matters relating to the allegations of the petition or issues related to the child's placement are not to be discussed with the child during visits except under the guidance of a counselor in a therapeutic setting. The visitation supervisor may terminate the visit if this order is violated.
3. The prior order of the court suspending
 - a. in-person contact
 - b. written communication
 - c. telephone contact
 - (1) continues to be necessary and remains in full force and effect for the following reasons (*specify*):

(2) is modified as set forth in item 4. item 5.

4. **Contact between the child and the child's sibling (*name*):**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency
 - (c) foster family agency
 - (b) other (*specify*):
- (3) Frequency and duration
 - (a) times per week for a total of hours per week
 - (b) times per month for a total of hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (*specify*):
- (4) Location
 - (a) Agency visitation facility
 - (c) Foster family agency facility
 - (b) Other (*specify*):
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency.
 - (c) foster family agency.
 - (b) other (*specify*):
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency.
 - (c) foster family agency.
 - (b) other (*specify*):
- (7) Other orders concerning in-person visitation (*specify*):

b. **Other types of contact permitted (*specify*):**

c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 4* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the
 - child. child's sibling.
 - (a) In-person contact
 - (b) Written communication
 - (c) Telephone contact
- (2) Reasons (*specify*):

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

5. **Contact between the child and the child's sibling (name):**

a. **In-person visitation**

- (1) Unsupervised
- (2) Supervised by the
 - (a) county agency
 - (b) other (specify):
 - (c) foster family agency
- (3) Frequency and duration
 - (a) times per week for a total of _____ hours per week
 - (b) times per month for a total of _____ hours per month
 - (c) An overnight visit every week every other week
 - (d) Other (specify):
- (4) Location
 - (a) Agency visitation facility
 - (b) other (specify):
 - (c) Foster family agency facility
- (5) Transportation of the child to and from the visits will be provided by the
 - (a) county agency.
 - (b) other (specify):
 - (c) foster family agency.
- (6) Transportation of the child's sibling to and from the visits will be provided by the
 - (a) county agency.
 - (b) other (specify):
 - (c) foster family agency.
- (7) Other orders concerning in-person visitation (specify):

b. **Other types of contact permitted (specify):**

c. **Contact restrictions**

- (1) For the reasons set forth below in item (2), the following contact between the child and the child's sibling named above *in item 5* is not to occur until further order of this court as the court finds, by clear and convincing evidence, that at this time such contact is contrary to the safety or well-being of the
 - child. child's sibling.
 - (a) In-person contact
 - (b) Written communication
 - (c) Telephone contact
- (2) Reasons (specify):

6. Other (specify):

**Private Postsecondary School
Violence Restraining Order After
Hearing**

Clerk stamps date here when form is filed.

DRAFT

Not approved by the
Judicial Council

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:

Full Name	Sex	Age	Household Member?	Relation to student
_____	_____	_____	<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 6b.
- 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

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.

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:

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 respondent 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.

DRAFT

Not approved by the
Judicial Council

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

Court fills in case number when form is filed.

Case Number:

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 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 respondent 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.

