Judicial Council of California • Administrative Office of the Courts

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INVITATION TO COMMENT

SPR11-60

Title

Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence

Proposed Rules, Forms, Standards, or Statutes Title

Revise forms CH-100, EA-100, SV-100, WV-100, SV-100-INFO, WV-100-INFO, SV-102, WV-102; SV-109, WV-109, SV-110, WV-110, SV-120-INFO, EA-130, SV-130, WV-130, SV-200-INFO, and WV-200-INFO;

Revise form DV-260/CH-102/EA-102/JV-248 and adopt forms CH-102 and EA-102 as separate forms;

Revoke forms CH-120 and EA-120 and adopt forms CH-109, CH-110, EA-109, and EA-110 as new separate forms;

Revise and renumber forms CH-110 as CH-120, CH-125 as CH-115, CH-130 as CH-200, CH-131 as CH-250, CH-135 as CH-200-INFO, CH-140 as CH-130, CH-131 as CH-250, CH-145 as CH-800, CH-150 as CH-100-INFO, and CH-151 as CH-120-INFO;

Revise and renumber forms EA-110 as EA-120, EA-125 as EA-115, EA-140 as EA-200, EA-141 as EA-250; EA-142-INFO as EA-200-INFO, EA-145 as EA-800, EA-150-INFO as EA-100-INFO, and EA-151-INFO as EA-120-INFO; and

Action Requested

Review and submit comments by Monday, June 30, 2011

Proposed Effective Date

January 1, 2012

Contact

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

Proposed by

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

Summary

This is a proposal to revise many of the Judicial Council forms used in proceedings to prevent civil harassment, private postsecondary school violence, workplace violence, and elder and dependent adult abuse. The proposal also recommends that some new forms be adopted for use in these proceedings. The revisions and adoption of these forms will implement Assembly Bill 1596, the Judicial Council–sponsored legislation to improve and harmonize all the protective order statutes that will become effective on January 1, 2012. ¹

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

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

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

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

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

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

Discussion

Background

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

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

Legislative implementation

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

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

⁴The text of AB 1596, as chaptered, may be viewed at www.leginfo.ca.gov/pub/09-10/bill/asm/ab_1551-1600/ab_1596_bill_20100930_chaptered.pdf.

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

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

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

General Changes to the Forms

Legal accuracy

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

Renumbering

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

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

Style and format changes

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

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

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

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

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

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

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

Differences in form sets

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

General

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

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

Notices of Hearing

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

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

Temporary Restraining Orders

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

| ı | r 1 | Not requested | Γ. | Denied | ſ | Granted as follows: |
|---|------------|---------------|----|--------|---|----------------------|
| | | moi requesteu | | Demeu | | i Granicu as ionows. |

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

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

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

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

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

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

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

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

 $^{^{8}}$ See attached forms CH-130, EA-130, SV-130, and WV-130.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments:

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

Charts on Current and Proposed Forms

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

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

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

| Workplace Violence (WV) Prevention Forms | | |
|---|---|---------------------|
| • | NT 1 | D |
| Title | Number | Revision |
| Petition for Orders to Stop Workplace Violence | WV-100 | Revised for |
| Harry Da I Catan Ondanta Bualifit Washintan Winterna | WW 100 | AB 1596 Revised for |
| How Do I Get an Order to Prohibit Workplace Violence? | WV-100- INFO | AB 1596 |
| Confidential CLETS Information | WV-102 | Revisions |
| Confidential CLETS Information | W V-102 | |
| | | proposed but not |
| | | required by |
| | | AB 1596 |
| Notice of Court Hearing | WV-109 | Revised for |
| Thouse of Court Hearing | 100 | AB 1596 |
| Temporary Restraining Order | WV-110 | Revised for |
| Tomporary recomming oracle | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | AB 1596 |
| Request for Continuance and to Reissue Temporary Restraining Order | WV-115 | New |
| Order on Request for Continuance and Reissuance and Notice of New | WV-116 | New |
| Hearing Date | | |
| Response to Petition for Orders to Stop Workplace Violence | WV-120 | No revisions |
| | | proposed |
| How Can I Respond to a Request for Orders to Stop Workplace Violence? | WV-120- | Revised for |
| | INFO | AB 1596 |
| Restraining Order After Hearing to Stop Workplace Violence | WV-130 | Revised for |
| | | AB 1596 |
| Proof of Personal Service | WV-200 | No revisions |
| | | proposed |
| What is "Proof of Personal Service?" | WV-200- | Revised for |
| | INFO | AB 1596 |
| Proof of Service of Response by Mail | WV-250 | No revisions |
| | | proposed |
| Proof of Service of Order After Hearing by Mail | WV-260 | New |
| Request to Renew Restraining Order | WV-700 | New |
| Notice of Hearing to Renew Restraining Order | WV-710 | New |
| Response to Request to Renew Restraining Order | WV-720 | New |
| Order on Request to Renew Restraining Order to Stop Workplace | WV-730 | New |
| Violence | MM 1 000 | N |
| Proof of Firearms Turned In or Sold | WV-800 | No revisions |
| H D IT I CHM E. | MM COO | proposed |
| How Do I Turn In or Sell My Firearms? | WV-800- | New |
| | INFO | |

CH-100

Request for Orders to Stop Harassment

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

| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: City: State: Zip: | |
|--|---------------------------|
| Firm Name: Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: City: State: Zip: Case Number: Telephone: E-Mail Address: Person You Want Protection From Full Name: Age: Address (if known): City: State: Zip: Additional Protected Persons a. Are you asking for protection for any other family or household members? If yes, list to Full Name Full Name Sex Age Lives with you? How Yes No Yes No Yes No Yes No Check here if there are more persons. Attach a sheet of paper and write "Attachment 3 Protected Persons" for a title. You may use Form MC-025, Attachment. b. Why do these people need protection? (Explain below): | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: City: State: Zip: | |
| information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: City: State: Telephone: Fax No: E-Mail Address: Person You Want Protection From Full Name: Address (if known): City: State: Zip: Additional Protected Persons a. Are you asking for protection for any other family or household members? If yes, list to see I will yes with you? Full Name Sex Age Lives with you? How yes No Yes No Yes No Yes No Check here if there are more persons. Attach a sheet of paper and write "Attachment 3 Protected Persons" for a title. You may use Form MC-025, Attachment. b. Why do these people need protection? (Explain below): | of California, County |
| City: State: Zip: Fax No: Fax No: E-Mail Address: Person You Want Protection From Full Name: Age: Address (if known): State: Zip: City: State: Zip: Additional Protected Persons a. Are you asking for protection for any other family or household members? If yes, list to Sex Age Lives with you? How Yes No Yes Yes | |
| City:State:Zip: | umber when form is filed. |
| Telephone: Fax No: | |
| Person You Want Protection From Full Name: | |
| Person You Want Protection From Full Name: | |
| Full Name Sex Age Lives with you? How Yes No Yes No | st those persons: |
| Yes No Yes Y | ow are they related to |
| <pre></pre> | • |
| ☐ Yes ☐ No ☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3 Protected Persons" for a title. You may use Form MC-025, Attachment. b. Why do these people need protection? (Explain below): | |
| Check here if there are more persons. Attach a sheet of paper and write "Attachment 3 Protected Persons" for a title. You may use Form MC-025, Attachment. b. Why do these people need protection? (Explain below): | |
| Protected Persons" for a title. You may use Form MC-025, Attachment.b. Why do these people need protection? (Explain below): | |
| | et 3a—Additional |
| Check have if there is not enough space for your groups. But your complete groups on | |
| Check here if there is not enough space for your answer. Put your complete answer on paper or Form MC-025 and write "Attachment 3b—Why Others Need Protection" for | on the attached sheet |
| | |
| | |

 \rightarrow

Clerk stamps date here when form is filed.

DRAFT

March 30, 2011

Not Approved by the

| | | | Case Number: |
|------------|-----|---|---|
| <u> </u> | | | |
| 4) | | lationship of Parties | |
| | Ho | w do you know the person in 2 ? (Explain below) Check here if there is not enough space for your a paper or Form MC-025 and write "Attachment 4- | nswer. Put your complete answer on the attached sheet of |
| 5) | Ve | nue | |
| | Wh | y are you filing in this county? (Check all that appl | y): |
| | a. | ☐ The person in ② lives in this county. | |
| | b. | ☐ I was harassed by the person in ② this county. | |
| | c. | Other (specify): | |
| <u>6</u>) | Otl | her Court Cases | |
| | a. | _ | involved in another court case with the person in (2)? |
| | | | and indicate where and when each was filed: |
| | | Kind of Case <u>Fi</u> | led in (County/State) Year Filed Case Number (if known |
| | | (1) Civil Harassment | |
| | | (2) Domestic Violence | |
| | | (3) Divorce, Nullity, Legal Separation | |
| | | (4) Paternity, Parentage, Child Custody | |
| | | (5) Elder or Dependent Adult Abuse | |
| | | (6) | |
| | | (7) Guardianship | |
| | | (8) Workplace Violence | |
| | | (9) Dostsecondary School Violence | |
| | | (10) Criminal | |
| | | (11) \square Other (specify): | |
| | b. | Are there now any protective or restraining orders person in 2)? Yes No If yes, attach of | in effect relating to you or any of the persons in (3) and the a copy if you have one. |
| 7 | De | scription of Harassment | |
| | | oyed, or harassed you and caused you substantial e | nst you, or a course of conduct that seriously alarmed, motional distress. A course of conduct is more than one |
| | a. | Tell the court about the last time the person in 2 | harassed you. |
| | | (1) When did it happen? (provide date or estimate | ted date): |
| | | (2) Who else was there? | |
| | | | |

This is not a Court Order.

| | Case Number: |
|--|-----------------------|
| | |
| (3) How did the person in (2) harass you? (Explain below): Check here if there is not enough space for your answer. Put y of paper or Form MC-025 and write "Attachment 7a(3)—Des | |
| | |
| | |
| | |
| | |
| (4) Did the person in 2 use or threaten to use a gun or any other wes \(\subseteq \text{ Yes} \subseteq \text{ No} \(\text{If yes, explain below} \): | apon? |
| Check here if there is not enough space for your answer. Put y of paper or Form MC-025 and write "Attachment 7a(4)—Use | |
| | |
| (5) Were you harmed or injured because of the harassment? | |
| ☐ Yes ☐ No (If yes, explain below): ☐ Check here if there is not enough space for your answer. Put y of paper or Form MC-025 and write "Attachment 7a(5)—Har | |
| | |
| (6) Did the police come? | |
| If yes, did they give you or the person in ② an Emergency Protect If yes, the order protects (<i>check all that apply</i>): a. □ Me b. □ The person in ② c. □ The persons in ③ | ctive Order? Yes No |
| Attach a copy of the order if you have one. | |
| b. Has the person in 2 harassed you at other times? | |
| ☐ Yes ☐ No (If yes, describe prior incidents of harassmen | t below): |
| ☐ Check here if there is not enough space for your answer. Put y of paper or Form MC-025 and write "Attachment 7b—Previo | |
| | |
| | |
| | |

This is not a Court Order.

| | | Case Number: |
|-------------|---|--|
| | | |
| Cr | heck the orders you want ☑ | |
| | Personal Conduct Orders I ask the court to order the person in ② not to do any of to protected listed in ③: a. Harass, intimidate, molest, attack, strike, stalk, three | |
| | destroy personal property of, or disturb the peace of b. Contact the person, either directly or indirectly, by | of the person. |
| | c. □ Take any action to obtain the person's address or l d. □ Other <i>specify</i>): | |
| | | |
| a. | Stay-Away Orders I ask the court to order the person in 2 to stay at least other:person to be protected listed in 3, and from the plant | yards away from me and each from aces listed below (Check all that apply): |
| | ☐ My job or workplace ☐ The jobs o | ences of the other persons to be protected or workplaces of the other persons to be protected als or places of child care of the other persons to be |
| | 1 | les of the other persons to be protected |
| b. | If the court orders the person in 2 to stay away from all to get to his or her home, school, or job? \(\simega\) Yes \(\simega\) | |
| | ☐ Check here if there is not enough space for your answ of paper or Form MC-025 and write "Attachment 9b— | |
| | | |
| _ | | |
| Fir | rearms Prohibition and Relinquishment | |
| rec is i | the judge grants a protective order, the person in 2 will be ceiving, or attempting to purchase or receive a gun, other fi in effect. The person in 2 will also be ordered to turn in to firearms within his or her immediate possession or control. | rearm, and ammunition while the protective order |
| | oes the person in 2 own or possess any guns or other firear | rms? |
| | This is not a Court Ord | lor. |

| lr | mme | diate Orders | | | |
|-----|-------------------------|--|--|--|---|
| | n 2) ? | want the court to make any of Yes No If you a eck here if there is not enough s | nswered yes, explain why b | elow): | • |
| _ | | per or Form MC-025 and write | | | me unachea sheet of |
| _ | | | | | |
| _ | Re | quest to Give Less Than | ı Five Days' Notice | | |
| ce | ourt o | ust have your papers personally rders a shorter time for service 0, Proof of Personal Service, m | e. (Form CH-200-INFO exp | lains "What Is Proof of F | Personal Service?" Form |
| C | | | | ا بيان د اد د اد اد د د د د د د د د د د د د | nelow. |
| | f you v | want there to be fewer than five | e days between service and t | ne nearing, explain why t | ociow. |
| |] Che | want there to be fewer than five eck here if there is not enough so per or Form MC-025 and write | space for your answer. Put | your complete answer on | the attached sheet of |
| | Che | eck here if there is not enough s per or Form MC-025 and write | space for your answer. Put "Attachment 12—Request | your complete answer on | the attached sheet of |
| | Che pap | eck here if there is not enough s | space for your answer. Put "Attachment 12—Request to the second of the s | your complete answer on to Give Less Than Five-D | the attached sheet of ays Notice" for a title. |
| Iff | Che pap | eck here if there is not enough soer or Form MC-025 and write • Fee for Filing or Service There should be no filing fee | **Pace for your answer. Put an | as used or threatened to uthat makes me reasonable (2) about the orders for | the attached sheet of Pays Notice" for a title. The attached sheet of Pays Notice is for a title. The attached sheet of Pays Notice is for a title. |
| Iff | Che pap | Peck here if there is not enough so per or Form MC-025 and write There should be no filing fee has stalked me, or has acted of the sheriff or marshal should | e because the person in 2 har spoken in some other way serve (notify) the person ir unlawful violence, a crediband the sheriff or marshal s | as used or threatened to uthat makes me reasonable threat of violence, or should serve the person in | the attached sheet of lays Notice" for a title. use violence against me, y fear violence. free because my talking. 2 for free because I |
| Iff | Che pap | Fee for Filing or Service There should be no filing fee has stalked me, or has acted on The sheriff or marshal should request for orders is based on There should be no filing fee am entitled to a fee waiver. (Yeles and Costs.) wyer's Fees and Costs the court to order payment of | because the person in a serve (notify) the person ir unlawful violence, a credit and the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the sheriff or marshal strought of the person in the pers | as used or threatened to uthat makes me reasonable threat of violence, or should serve the person in | the attached sheet of lays Notice" for a title. use violence against me, y fear violence. free because my talking. 2 for free because I |
| Iff | Che pap | Fee for Filing or Service There should be no filing fee has stalked me, or has acted or There should be no filing fee has stalked to a fee waiver. (Yeles and Costs.) wyer's Fees and Costs of the court to order payment of the amounts requested are: | because the person in ② her spoken in some other way a serve (notify) the person in unlawful violence, a credit and the sheriff or marshal shou must complete and file if a complete an | as used or threatened to use that makes me reasonable threat of violence, or should serve the person in Form FW-001, Applications. | the attached sheet of lays Notice" for a title. use violence against me, y fear violence. free because my talking. 2 for free because I on for Waiver of Court |
| Iff | Che pap | Fee for Filing or Service There should be no filing fee has stalked me, or has acted on The sheriff or marshal should request for orders is based on There should be no filing fee am entitled to a fee waiver. (Yeles and Costs.) wyer's Fees and Costs the court to order payment of | because the person in ② her spoken in some other way serve (notify) the person in unlawful violence, a credible and the sheriff or marshal stou must complete and file in Amount | as used or threatened to use that makes me reasonable threat of violence, or should serve the person in Form FW-001, Applications. | the attached sheet of lays Notice" for a title. use violence against me, y fear violence. free because my talking. (2) for free because I on for Waiver of Court Amount |
| Iff | Che pap No La I as The | Fee for Filing or Service There should be no filing fee has stalked me, or has acted or There should be no filing fee has stalked to a fee waiver. (Yeles and Costs.) wyer's Fees and Costs of the court to order payment of the amounts requested are: | because the person in ② her spoken in some other way serve (notify) the person in unlawful violence, a credible and the sheriff or marshal shou must complete and file in Amount Amount Amount Amount | as used or threatened to use that makes me reasonable threat of violence, or should serve the person in Form FW-001, Applications. | the attached sheet of lays Notice" for a title. use violence against me y fear violence. free because my talking. (2) for free because I on for Waiver of Court Amount \$ |

Case Number:

CH-100, Page 5 of 6

| Check here ij ihere is hoi | an analy and a a formula | um amanuam Dudanaum | o omini oto omini on o | u tha attachad aba |
|--|--|--|------------------------|--------------------|
| paper or Form MC-025 a | enough space for you and write "Attachmen | ar answer. Fut your et 15—Additional Or | ders Requested," fo | or a title. |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Number of pages attached to | this form, if any: | | | |
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| | | | | |
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| Date: | | | | |
| Date: | | | | |
| Date: | | • | signature | |
| Lawyer's name (if any) I declare under penalty of per | rjury under the laws o | | | |
| Lawyer's name (if any) | rjury under the laws o | | | |

Case Number:

This is not a Court Order.

Not approved for use by the Judicial Council

CH-100-INFO

Can a Civil Harassment Restraining Order Help Me?

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

What is a Civil Harassment Restraining Order?

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

Can I get a Civil Harassment Restraining Order?

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

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

How will the order help me?

The court can order a person to:

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

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

In a Civil Harassment case, the court cannot:

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

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

The court also cannot:

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

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

What forms do I need to get the order?

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

Where can I get these forms?

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

What do I need to do to get the order?

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

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

How soon can I get the order?

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

How long does the order last?

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

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

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

Can a Civil Harassment Restraining Order Help Me?

What if the restrained person does not obey the order?

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

How much does it cost?

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

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

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

Do I have to go to court?

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

Do I need a lawyer?

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

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

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

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use Form MC-030, Declaration for this.).

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

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

| CH-109 Notice of Cou | urt Hearing | Clerk stamps date here when form is filed. |
|--|--|--|
| Person Seeking Protection | | |
| Your Full Name: | Age: | |
| Your Lawyer (if you have one): | 3/11 | |
| Name: Firm Name: | State Bar No: | |
| Your Address (If you have a lawyer for ti | his case, give your lawyer's | FM in court name and street address: |
| information. If you do not have a lawyer home address private, you may give a dij You do not have to give telephone, fax, ar | and you want to keep your ferent mailing address instead. | Superior Court of California, County |
| Address: | | |
| City: | | |
| Telephone No.: | | Fill in case number: |
| E-Mail Address: | | Case Number: |
| | rt will fill out the rest of this form The Person in 2: erequest for orders against | |
| Hearing > Date: | Name and address of cou | t if different from above: |
| Date Dept.: | 8 | 28 |
| Dept.: | | |
| Time: | pond in writing, go to the hearing. You may bring witnesses and sinst you that could last up to t | g. You may tell the court why you other evidence. At the hearing, the |

Can a Civil Harassment Restraining Order Help Me?

What if I am deaf or hard of hearing?



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

What if I move?

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

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

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

For help in your area, contact:

[Local information may be inserted.]

Not approved for use by the Judicial Council

CH-102

CLETS Information

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

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

| Person to Be Protected (Name): Sex: | | | |
|--|---------------------------------------|-----------------------|-----------------|
| Hair Color: Eye Color: | • | | |
| (Mailing address listed on restraining order) Vehicle (Type, model, year): | | · • | number [optiona |
| Vehicle License Number and State: | | | |
| Person to Be Restrained (Name): | | | |
| Sex: M F Height: | | Race: | |
| Hair Color: Eye Color: | Age: | _ Date of Birth: | |
| (Residence address) | (City, state, zip) | (Telephone | e number) |
| (Workplace) | (Occupation/title) | (Work hou | rs) |
| (Business address) | (City, state, zip) | (Telephone | number) |
| Driver's License Number and State: | Vehicle License | Number and State: | |
| Vehicle (Type, model, year): | Social | Security Number: | |
| Describe any marks, scars, or tattoos: | | | |
| Other names used by the restrained person: | | | |
| Guns or Firearms | | | |
| Describe any guns or firearms you believe the <i>locations</i>): | restrained person owns or h | as access to (Number, | types, and |
| Other People to Be Protected | | | |
| <u>Name</u> | Date of Bir | th <u>Sex</u> | Race |
| | · · · · · · · · · · · · · · · · · · · | | |
| | | | |

CH-109

Notice of Court Hearing

Clerk stamps date here when form is filed.

| Person Seeking Protection | DRAFT March 30, 2011 |
|---------------------------|-------------------------|
| Your Full Name: | Watch 30, 2011 |

Your Lawyer (if you have one):

Name: State Bar No.: Firm Name:

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

Address: State: _____ Zip: _____ Telephone: _____ Fax: _____

E-Mail Address:

Fill in court name and street address:

Superior Court of California, County of

Not Approved by the Judicial Council

Fill in case number: Case Number:

Person You Want Protection From

Full Name: Address (if known): ______ State: _____ Zip: _____

The court will fill out the rest of this form.

To the Person in 2:

3) Notice of Hearing

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

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

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

|) т | emporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.) | | | |
|---|--|--|--|--|
| a. | Temporary Restraining Orders as requested in Form CH-100, <i>Request for Orders to Stop Harassment</i> , are (<i>check only one box below</i>): (1) All GRANTED until the court hearing. | | | |
| (2) All DENIED until the court hearing. (Specify reasons for denial in b below.) | | | | |
| | | | | |
| | (3) Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.) | | | |
| b. | Reasons for denial of all or some Temporary Restraining Orders as requested in Form CH-100, <i>Request for Orders to Stop Harassment</i> , are: | | | |
| | (1) The facts as stated in Form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in 2 and caused substantial emotional distress. | | | |
| | (2) Other (specify): As set forth on Attachment 4b. | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | To the Person in 1: | | | |
| pe | t least days before the hearing, someone age 18 or older—not you or anyone to be protected—must ersonally give (serve) a court file-stamped copy of this form to the person in ②, along with a copy of all the erms indicated below: | | | |
| | CH-100, Request for Orders to Stop Harassment (filed-stamped) | | | |
| | | | | |
| c. | ☐ CH-110, Temporary Restraining Order (CLETS) (file-stamped) IF GRANTED | | | |
| d. | ☐ CH-110, Temporary Restraining Order (CLETS) (file-stamped) IF GRANTED CH-120, Response to Request for Orders to Stop Harassment (blank form) | | | |
| e. | · · · · · · · · · · · · · · · · · · · | | | |
| f. | CH-120, Response to Request for Orders to Stop Harassment (blank form) | | | |
| • | CH-120, Response to Request for Orders to Stop Harassment (blank form) CH-120-INFO, How Can I Respond to a Request for Orders to Stop Harassment? CH-250, Proof of Service of Response by Mail (blank form) | | | |
| | CH-120, Response to Request for Orders to Stop Harassment (blank form) CH-120-INFO, How Can I Respond to a Request for Orders to Stop Harassment? CH-250, Proof of Service of Response by Mail (blank form) Other (specify): The court cannot make the restraining orders after the court hearing unless the person in 2 has been personally given (served) a copy of your request and any temporary orders. To show that the person in 2 has been served, the person who served the forms must fill out a proof of service form. Form CH-200, Proof of Personal Service, may be used. | | | |
| • | CH-120, Response to Request for Orders to Stop Harassment (blank form) CH-120-INFO, How Can I Respond to a Request for Orders to Stop Harassment? CH-250, Proof of Service of Response by Mail (blank form) Other (specify): The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, | | | |

Case Number:

Notice of Court Hearing (Civil Harassment Prevention) **CH-109**, Page 2 of 3

New January 1, 2012

| Case Number: | | |
|--------------|--|--|
| | | |
| | | |

To the Person in 2:

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

| Date: | | |
|-------|------------------|--|
| | Judicial Officer | |



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: ______

Clerk, by _____, Deputy

| | 10 Temporary Res | straining Order | Clerk stamps date here when form is filed. |
|---------------------|--|---|---|
| Protec | n (1) must complete items (1), (2) ted Person ll Name: | <u> </u> | DRAFT 16 BG March 30, 2011 |
| Your La Name: _ | wyer (if you have one): me: | State Bar No.: | |
| informat home ad | ldress (If you have a lawyer for the tion. If you do not have a lawyer of Idress private, you may give a diff not have to give telephone, fax, an | and you want to keep your Ferent mailing address instea | Fill in court name and street address: d. Superior Court of California, County of |
| Address | : | | _ |
| • | ne:] | • | |
| _ | Address: | | Court fills in case number when form is filed. Case Number: |
| Restra | ined Person | | Case Number. |
| Full Nan Descript | ne:ion: | | _ |
| Hair Co | lor: Eye Col | or: Age: _ | ate of Birth: Race: |
| | | | |
| City: B | litional Protected Persons on to the person named in 1, the | | State: Zip: |
| City: B | litional Protected Persons | e following family or househ Sex Age House | State: Zip: old members of that person are protected by hold Member? Relation to Protected Person |
| City: B | litional Protected Persons on to the person named in 1, the orary orders indicated below: | e following family or househ | State: Zip: old members of that person are protected by hold Member? Relation to Protected Person Yes |
| City: B | ditional Protected Persons on to the person named in 1, the orary orders indicated below: Full Name | e following family or househ Sex Age House — — — — — — — — — — — — — — — — — — — | State: Zip: old members of that person are protected by hold Member? Relation to Protected Person Yes No Yes No |
| City: | ditional Protected Persons on to the person named in 1, the orary orders indicated below: Full Name Ck here if there are additional pro- achment 3—Additional Protected | e following family or househouse Sex Age House Under It will complete the rest of the second | State: Zip: |

| Case Number: | | |
|--------------|--|--|
| | | |

To the Person in 2:

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

| | up | to \$1,000 | O, or both. |
|------------|----|------------|--|
| 5 | | You mus | Conduct Orders Not Requested Denied Granted as Follows: at not do the following things to the person named in 1 to the other protected persons listed in 3: |
| | | (1) | Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person. |
| | | (2) | Contact the person, either directly or indirectly, by any means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means. |
| | | (3) | Take any action to obtain the person's address or location. If this item 3 is not checked, the court has found good cause not to make this order. |
| | | (4) | Other (specify): |
| | b. | | written contact through a lawyer or a process server or other person for service of legal papers related t case is allowed and does not violate this order. |
| 6) | St | ay-Awa | y Order 🔲 Not Requested 🔲 Denied 🔲 Granted as Follows: |
| | a. | | t stay at least yards away from the person in ② from each other protected person listed in ③, and from the places listed below (check all that apply): |
| | | | The residence of the person in 1 |
| | | | The vehicle of the person in \bigcirc The vehicles of the other protected persons Other ($specify$): |
| | b. | This stay | -away order does not prevent you from going to or from your home or place of employment. |
| 7 | | - | Prohibition and Relinguishment |
| | | You cann | not own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other or ammunition. |
| | b. | You mus | t: |
| | | | to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your ediate possession or control. This must be done within 24 hours of being served with this Order. |
| | | firea | a receipt with the court within 48 hours of receiving this Order that proves that your guns or rms have been turned in or sold. (You may use Form CH-800, Proof of Firearms Turned In or Sold, the receipt.) |
| | c. | The o | court has received information that you own or possess a firearm. |
| | | | This is a Court Order |

| | Case Number: |
|-----|--|
| 8 | Other Orders (specify): Not Requested Denied Granted as Follows: |
| | |
| | Additional orders are attached at the end of this Order on Attachment 8. |
| 9 | Mandatory Entry of Order Into CARPOS Through CLETS This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the |
| | California Law Enforcement Telecommunications System (CLETS). (Check one): a. The clerk will enter this Order and its proof-of-service form into CLETS. |
| | b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. |
| | c. By the close of business on the date that this Order is made, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS: |
| | Name of Law Enforcement Agency Address (City, State, Zip) |
| | Additional law enforcement agencies are listed at the end of this Order on Attachment 9. |
| 10 | No Fee to Serve (Notify) Restrained Person |
| | a. The Order is based on unlawful violence, a credible threat of violence, or stalking. |
| | b. The person in 1 is entitled to a fee waiver. |
| 11) | Number of pages attached to this Order, if any: |
| | Date: |
| | Judicial Officer |

Warnings and Notices to the Restrained Person in 2

You Cannot Have Guns or Firearms

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

| Case Number: | | |
|--------------|--|--|
| | | |

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

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

| Case Number: | | |
|--------------|--|--|
| | | |

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| | , | Clerk will fill out this part.) -Clerk's Certificate— | |
|-------------------------------|-------------------------------------|--|-------------------------|
| Clerk's Certificate [seal] | I certify that thi original on file | s <i>Temporary Restraining Order</i> is a true a in the court. | and correct copy of the |
| | Date: | Clerk, by | , Deputy |

CH-115

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

| DF | RAF | T |
|-------|-----|------|
| March | 30, | 2011 |

| | Warch 30, 2011 | |
|---|--|--|
| Your Full Name: Age: | Not Approved by the Judicial Council | |
| Your Lawyer (if you have one): | | |
| Name: State Bar No.: | _ | |
| Firm Name: | Fill in court name and street address: | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): | Superior Court of California, County of | |
| Address: | _ | |
| City: State: Zip: | Court fills in case number when form is filed. | |
| Telephone: Fax: | | |
| E-Mail Address: | | |
| Person You Want Protection From | | |
| Full Name: | Age: | |
| Address (if known): | | |
| City: State: | | |
| Request to Continue Hearing and to Reissue Temporary Restraining Order | | |
| I ask the court to continue the hearing currently scheduled for <i>(date)</i> : and to reissue the attached <i>Temporary Restraining Order</i> (Form CH-110) | | |
| a. The attached order was issued on (date): without notice to the person in (2) | | |
| b. I could not get the order served before the hearing date for the reasons | stated: | |
| ☐ below ☐ on Form MC-025, Attachment | | |
| | | |
| | | |
| c. This is the first request to reissue the Order. | | |
| • | | |
| ☐ The Order has been previously reissued times. | | |
| I declare under penalty of perjury under the laws of the State of Californi correct. | ia that the information above is true and | |
| | | |
| Date: | | |
| Date: | | |

This is not a Court Order.

CH-116

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

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

| Name: | | Not Approved by the |
|-------------------------------|---|--|
| Lawyer for Person Asking f | for Protection (if any): | Judicial Council |
| Name: | State Bar No.: | |
| Firm Name: | | |
| Address: | | Fill in court name and street address: |
| | State: Zip: | |
| Telephone: | Fax: | |
| E-Mail Address: | | |
| Person From Whom F | Protection Is Sought | |
| Full Name: | | Court fills in case number when form is filed. |
| Current Hearing | | Case Number: |
| A hearing in this case is cur | rently set for (date) | at (time) |
| Request for New Hear | ring Date | |
| a. A new hearing date was | requested by: | |
| (1) The person asking | ng for protection (2) \square The pers | son from whom protection is sought |
| b. Because: | | |
| (1) \square The person from | n whom protection is sought could not b | be served before the current hearing date. |
| (2) The parties have | e agreed to postpone the hearing and asl | k for a new hearing date. |
| (3) \square For the reasons | stated below on the attached p | page. |
| | | |
| Reissuance of Tempo | orary Restraining Order | |
| · · | ining order was issued in this case. | |
| b. The request to reisso | ue temporary restraining order is DENI | ED. |
| * | ue temporary restraining order is GRA ! orary Restraining Order (Form CH-110) | |
| Expiration Date | | • |
| • | estraining Order expires at the end of the | ne hearing now scheduled for: |
| | Time: | |
| | 111110 | — 4.111. — 7.111. I |

| Case Number: | |
|--------------|--|
| | |

Warning and Notice to the Person in 2

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

Order for Continuance and Notice of Hearing

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

| | | Clerk will fill out sec | non below. | | |
|------------------|--|-------------------------|---|--|--|
| Ne Hear Da | ring → Date: | | Name and address of court if different from above: | | |
| a. 🗆 | the other documents requesti | ng orders to stop wo | on in 2 at least days before the hearing, along with orkplace violence. If reissuance is denied in item 5b on der (form CH-110) must NOT be attached and served. | | |
| b. 🗆 | o. No further service of this Order is required because both parties were present at the initial hearing date (in item 3), and both were given a signed copy of this Order. | | | | |
| Entry | of Order Into CARPOS | Through CLET | rs | | |
| Califor | 1 3 | e Orders System (Č | tem 5c is checked), this Order must be entered into the ARPOS) through the California Law Enforcement | | |
| a. 🗌 | The clerk will enter this Ord | er and its proof-of-s | service form into CLETS. | | |
| b. 🗌 | The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. | | | | |
| c. 🗌 | By the close of business on the date that this Order is made, the person in 1 or that person's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS: | | | | |
| | Name of Law Enforcen | nent Agency | Address (City, State, Zip) | | |
| | | | | | |
| | Additional law enforcement | agencies are listed a | at the end of this Order in Attachment 8. | | |

| 9 | No Fee to Serve (Notify) Restrained Person 🔲 Ordered 🔲 Not Ordered | |
|---|--|--|
| | 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. | |
| | 7. The petitioner is entitled to a fee waiver. | |
| | | |
| | | |
| | | |
| | Date: | |
| | Judicial Officer | |

Case Number:



Requests for Accommodations

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

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

Clerk's Certificate [seal]

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

Date: _____

Clerk, by ______, Deputy

CH-120

Response to Request for Orders to Stop Harassment

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

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

Clerk stamps date here when form is filed.

DRAFT 15 BG March 30, 2011

Not Approved by the Judicial Council

| Fill in court name and street address: Superior Court of California, Count Fill in case number: | |
|---|--|
| Fill in case number: | |
| | |
| | |
| | |
| | |
| | |
| Case Number: | |
| Case Number. | |
| | |
| | |
| your response and any opposition at the | |
| hearing. Write your hearing date, time, and pla | |
| rm CH-109 item (3) here: | |
| g → Date:Time: | |
| Dept.: Room: | |
| vere served with a Temporary | |
| ning Order, you must obey it until the | |
| • At the hearing, the court may make | |
| gainst you that last for up to three year | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

of Firearms Turned In or Sold, for the receipt.

control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form CH-110. (See item (7) of Form CH-110.) You may use Form CH-800, *Proof*

| | | Case Number: |
|-----------------|---|--------------|
| a. b. | I do not own or control any guns or firearms. I have turned in or sold my guns and firearms to the police of A copy of the receipt □ is attached. □ has already be | • |
| 6 □ Ot a. b. c. | ner Orders ☐ I agree to the orders requested. ☐ I do not agree to the orders requested. ☐ I agree to the following orders (specify): | |
| \smile | nial of the described in item 7 of Form CH-100. (Skip to 9) | .) |
| ☐ Cho | ing reasons (explain): eck here if there is not enough space below for your answer. Put y aper and write "Attachment 8—Justification or Excuse" as a title | |
| | | |
| | | |

| | | | Case Number | : |
|-----------|---|-----------------------------------|-----------------------------|--------------------------|
| I requ | Fee for Filing lest that I not be requentitled to free filing | uired to pay the filing fee becau | se the person in ① claims | in Form CH-100 item (|
| ☐ Law | yer's Fees and | Costs | | |
| a. 🗌 | | order payment of my Lawy | ver's fees | S |
| | The amounts requ | | Itom | A |
| | <u>Item</u> | <u>Amount</u> \$ | <u>Item</u> | <u>Amount</u> \$ |
| | | \$ | | \$ \$ |
| | | \$ | | Φ |
| | | <u> </u> | | <u> </u> |
| | | <u> </u> | | <u> </u> |
| | and costs. of pages attached to | this form, if any: | | |
| T | | | | |
| Lawyer's | name (if any) | La | wyer's signature | |
| correct. | under penalty of per | jury under the laws of the State | of California that the info | rmation above is true ar |
| | | <u> </u> | | |
| Type or p | rint your name | Siş | n your name | |

| C | Temporary Restraining Order | Clerk stamps date here when form is filed. |
|----|---|---|
| 1) | Name of person asking for protection: | |
| | Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): | |
| 7 | City: State:Zip: Your telephone number (optional): () | Fill in court name and street address: Superior Court of California County of |
| | Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): | - |
| | Name of person to be restrained: | Court fills in case number when form is file Case Number: |
| | Description of that person: | |
| | Hair Color: Eye Color: Age: Home Address (if known): | e: Date of Birth: Zip: |
| | City: State: _ | Zip: |
| | To the person in ②: Notice of Hearing A court hearing is scheduled on the request for orders again | st you to stop harassment: |
| | Hearing Date: Time: Pate: | |
| 1 | If you do not want the court to make orders against you, file Form CH-court why you disagree. You may bring witnesses and other evidence. may make restraining orders against you that could last up to 3 years. Court Orders The court (<i>check a or b</i>): a. Has scheduled the hearing stated in ③. No orders are issued ag b. Has scheduled the hearing stated in ③ and has issued the temp | If you do not go to this hearing, the court gainst you at this time. orary orders against you specified on |
| | page 2. If you do not obey these orders, you can be arrested and to go to jail, pay a fine of up to \$1,000, or both. This is a Court Order. | charged with a crime. And you may have |

| Temporary Orders Against the Rest te the name of the person in ②): c court has made the temporary orders indicated below se orders. These orders will expire on the date of the ended by the court. Personal Conduct Orders You must not do the following things to the people listed in ① a. Harass, attack, strike, threaten, assault (sexually or otherw property, keep under surveillance, or block movements. | ow against you. You must obey all the hearing listed in 3 unless they are and 10: and 10: rwise), hit, follow, stalk, destroy personal |
|--|--|
| e court has made the temporary orders indicated below se orders. These orders will expire on the date of the ended by the court. Personal Conduct Orders You must not do the following things to the people listed in 1 a. Harass, attack, strike, threaten, assault (sexually or otherw property, keep under surveillance, or block movements. | e hearing listed in 3 unless they are and 10: rwise), hit, follow, stalk, destroy personal |
| se orders. These orders will expire on the date of the ended by the court. Personal Conduct Orders You must not do the following things to the people listed in ① a. Harass, attack, strike, threaten, assault (sexually or otherw property, keep under surveillance, or block movements. | e hearing listed in 3 unless they are and 10: rwise), hit, follow, stalk, destroy personal |
| You must not do the following things to the people listed in ① a. Harass, attack, strike, threaten, assault (sexually or otherw property, keep under surveillance, or block movements. | rwise), hit, follow, stalk, destroy personal |
| | |
| b. Contact (directly or indirectly), telephone, send messages | es, mail, or e-mail. |
| a. Take any action, directly or through others, to obtain the another of the court has found good can be court has | <u> </u> |
| ceful written contact through a lawyer or a process server or other court case is allowed and does not violate this Order. | her person for service of legal papers related |
| b. The people listed in 10 f. The prot | e of person in ① |
| d. Jobs or workplaces of the persons in 1 and 10 s stay-away order does not prevent the person in 2 from going | g to or from that person's home or place of |
| Coloyment. Guns or Other Firearms cannot own, possess, have, buy or try to buy, receive or try to rarm. | receive, or in any other way get a gun or |
| rn In or Sell Guns or Firearms | |
| Sell to a licensed gun dealer or turn in to police any guns or fireamust be done within 24 hours of being served with this order. | earms that you possess or control. This |
| File a receipt with the court within 48 hours of receiving this ord You may use Form CH-145 for this.) | rder that proves guns have been turned in or s |
| Other Orders (specify): | |
| | |
| | |
| | |

| ır name: | Case Number: |
|--|--|
| Other Protected Persons List of the full names of all family or househol | d members protected by these orders: |
| | |
| Instruction | ns for the Protected Person |
| To the person in 1: (Write the name of the | person in (1): |
| Service of Order on Law Enforcemer | nt |
| If the court issues temporary restraining orders, | , by the close of business on the date the orders are made, you or r and any proof of service forms to each law enforcement agency |
| Name of Law Enforcement Agency: | Address (City, State, Zip) |
| a. CH-120, Notice of Hearing and Ten | the person in ② a copy of all the documents checked below: Imporary Restraining Order (CLETS) (completed and file-stamped) The Harassment (completed and file-stamped) |
| | ders to Stop Harassment (blank form) |
| d. CH-145, Proof of Firearms Turned | |
| | uest for Orders to Stop Harassment? |
| You must file with the court before the hearing Time for Service (check a, b, or c) | a proof of service of these documents on the person in ②. |
| | 2 must be served in person to the person in 2 |
| b. A copy of the documents listed in at least 2 days before the hearing. | 2) must be served in person to the person in (2) |
| | 2) must be served in person to the person in 2) ing. |
| No Fee for Filing Filing fees are waived. | |

| | Case Number: |
|--|---|
| our name: | |
| The she a. \square b. \square | e for Service of Order by Law Enforcement riff or marshal will serve this Order without charge because: The Order is based on stalking. The Order is based on a credible threat of violence. The person in 1 is entitled to a fee waiver. |
| Date: | Judicial Officer |
| | Warnings and Notices to the Restrained Person in ② |
| | You Cannot Have Guns or Firearms |
| is in effect. police any | town, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to guns or firearms that you have or control in accordance with item (8) above. The court will require you at you did so. If you do not obey this Order, you can be charged with a crime. Instructions for Law Enforcement |
| lands, and a agency that Enforcement service on the | s effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal II U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement has received the Order, is shown a copy of the Order, or has verified its existence on the California Law at Telecommunications System (CLETS). If the law enforcement agency has not received proof of the restrained person, and the restrained person was not present at the court hearing, the agency shall estrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject benalties. |
| | Requests for Accommodations Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Order (Form MC-410). (Civil Code, § 54.8.) |
| | (Clerk will fill out this part.) —Clerk's Certificate— |
| Clerk's Cert [seal] | I certify that this <i>Notice of Hearing and Temporary Restraining Order</i> is a true and correct copy of the original on file in the court. |

This is a Court Order.

Date: ______, Deputy

Not approved for use by the Judicial Council

CH-120-INFO

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

What is a civil harassment protective order?

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

What does the order do?

The court can order you to:

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

Who can ask for a civil harassment protective order?

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

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

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

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

What if I don't obey the order?

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

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

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

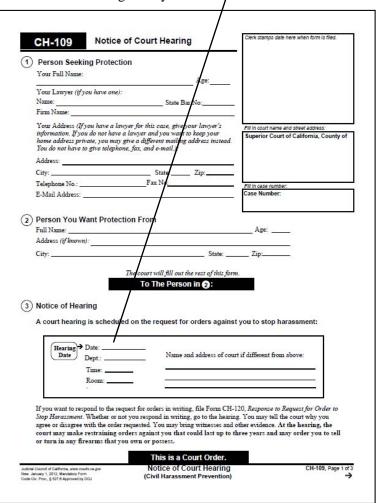
Do I have to serve the other person with a copy of my response?

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

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

Should I go to the court hearing?

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





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

How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

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

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

What if I am deaf or hard of hearing?



New January 1, 2012

Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted]

CH-130

Restraining Order After Hearing to Stop Harassment

| Person in 1 must complete ite | ems (1) , (2) , and (3) or | | DRAFT March 30, 2011 |
|--|---|---|---|
| Protected Person Your Full Name: | | Age: | Not Approved by the Judicial Council |
| Your Lawyer (if you have one) Name: | | Bar No.: | |
| Firm Name: | | | Fill in court name and street address: |
| Your Address (If you have a la information. If you do not have home address private, you may You do not have to give telepho | a lawyer and you wan give a different mailin | t to keep your | Superior Court of California, County o |
| Address: | | | |
| City: | | | Fill in case number: |
| Telephone: | | | Case Number: |
| E-Mail Address: | | | |
| | • | | of Birth: |
| | | _ | Race: |
| | | | State: Zip: |
| City. | | | |
| In additional Protected In addition to the person named protected by the orders indicate Full Name | d in ①, the following the d below: | ex Age Lives | members of the person named in 1 are with you? How are they related to you es \(\subseteq \text{No} \) onumber \(\subseteq \text{No} \) |
| · · | nl Protected Persons" of The court will comp | ons. List them on an as a title. You may us ollete the rest of this f | attached sheet of paper and write, se Form MC-025, Attachment. |
| | | • | |
| Time: a | .m. \square p.m. or \square m | idnight on (date): | |
| | here, this Order expire | | |

This is a Court Order.

Clerk stamps date here when form is filed.

| | | Case Number: | | |
|---------------|---|--|--|--|
| | | | | |
| 5) He | earing | | | |
| a. | | t (time): in Dept.: Room: | | |
| | (Name of judicial officer): | | | |
| b. | | | | |
| | | person in (1) (name): | | |
| | (2) \square The person in 2 (4) \square The lawyer for the | person in ② (name): | | |
| | ☐ Additional persons present are listed at the end of | this Order on Attachment 5. | | |
| c. | ☐ The hearing is continued. The parties must return | to court on (date): at (time): | | |
| | To the Person | in ⊘ : | | |
| | The court has granted the orders checked belo | | | |
| | arrested and charged with a crime. You may be to \$1,000, or both. | sent to jail for up to one year, pay a fine of up | | |
| 6) □ | Personal Conduct Orders | | | |
| a. | | | | |
| | and to the other protected persons listed in 3 : | | | |
| | (1) Harass, intimidate, molest, attack, strike, sta destroy personal property of, or disturb the p | lk, threaten, assault (sexually or otherwise), hit, abuse, beace of the person. | | |
| | | tly, by any means, including, but not limited to, in person e mail, by interoffice mail, by e-mail, by text messaging, by | | |
| | • | ss or location. If this item is not checked, the court has | | |
| | found good cause not to make this order. | | | |
| | (4) Other (<i>specify</i>): | | | |
| b. | Peaceful written contact through a lawver or a proces | s server or other person for service of legal papers related | | |
| $\overline{}$ | to a court case is allowed and does not violate this ore | | | |
| 7) 🗆 | Stay-Away Orders | | | |
| a. | You must stay at least yards away from the person in 1 and from each other protected in 3, and from the places listed below (check all that apply): | | | |
| | \square The residence of the person in (1) | ☐ The residences of the other protected persons | | |
| | ☐ The job or workplace of the person in ① | ☐ The jobs or workplaces of the other protected persons | | |
| | ☐ The school or place of child care of the | The schools or places of child care of the children of | | |
| | children of the person in (1) | the other protected persons | | |
| | ☐ The vehicle of the person in ① | The vehicles of the other protected persons | | |
| | Other (specify): | | | |
| b. | . This stay-away order does not prevent you from going | g to or from your home or place of employment. | | |
| | This is a Court | | | |

| Firea | arms Prohibition and Relinquishment |
|--------------------------|--|
| a. Y | ou cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get gun ther firearms, or ammunition. |
| b. If | you have not already done so, you must: |
| • | Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order. |
| | File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (<i>You may use Form CH-800</i> , Proof of Firearms Turned In or Sold, <i>for the receipt.</i>) |
| c. [| The court has received information that you own or possess a firearm. |
| □ L | awyer's Fees and Costs |
| | nust pay to the person in 1 the following amounts for: a. \(\begin{align*} \text{Lawyer fees} & b. \(\begin{align*} \text{Court costs} \\ \text{Amount} & \text{Item} & \text{Amount} \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ |
| □ □ 0 | Additional items and amounts are attached at the end of this Order on Attachment 9. Other Orders (specify): |
| | Additional items and amounts are attached at the end of this Order on Attachment 9. |
| | Additional items and amounts are attached at the end of this Order on Attachment 9. |
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| Mane This (| Additional items and amounts are attached at the end of this Order on Attachment 9. Other Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. datory Entry of Order Into CARPOS Through CLETS |
| Mane This (| Additional items and amounts are attached at the end of this Order on Attachment 9. Other Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. Characteristic database of the end of this Order on Attachment 10. |
| Manor This (Califor | Additional items and amounts are attached at the end of this Order on Attachment 9. Other Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order of this Order on Attachment 10. Contact the data order or |
| Manor This Califor | Additional items and amounts are attached at the end of this Order on Attachment 9. Additional orders are attached at the end of this Order on Attachment 10. Chattery of Order Into CARPOS Through CLETS Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the ornia Law Enforcement Telecommunications System (CLETS). (Check one): The clerk will enter this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. |
| Mane This C Califo | Additional items and amounts are attached at the end of this Order on Attachment 9. In ther Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. In the clark will enter this Order and its proof-of-service form into CLETS. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of |
| Mane This C Califo | Additional items and amounts are attached at the end of this Order on Attachment 9. There Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. Chatory Entry of Order Into CARPOS Through CLETS Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the ornia Law Enforcement Telecommunications System (CLETS). (Check one): The clerk will enter this Order and its proof-of-service form into CLETS. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS: |
| Mane This C Califo | Additional items and amounts are attached at the end of this Order on Attachment 9. Other Orders (specify): Additional orders are attached at the end of this Order on Attachment 10. Chatory Entry of Order Into CARPOS Through CLETS Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the ornia Law Enforcement Telecommunications System (CLETS). (Check one): The clerk will enter this Order and its proof-of-service form into CLETS. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS. |

Case Number:

| | | | | Case Number: |
|-----|--------|---|--|-----------------------------------|
| | | | | |
| 12 | Serv | ce of Order on Restrained Person | | |
| | a. 🔲 | Both the person in 1 and the person in 2 | attended the hearing. No | other proof of service is needed. |
| | b. 🔲 | The person in 2 did not attend the hearing | | |
| | | judge's orders in this form are the same person in (2) must be served with the (2) The judge's orders in this form are of the person in (2) in this form are of the person in (2). | ime as in Form CH-110 is Order. Service may b lifferent from the tempo son in ① or anyone prot | e by mail. |
| 13) | □ No | Fee to Serve (Notify) Restrained P | erson | |
| | The sl | eriff or marshal will serve this Order withou | t charge because: | |
| | | a. \square The Order is based on unlawful viol | ence, a credible threat o | f violence, or stalking. |
| | | b. \square The person in $\textcircled{1}$ is entitled to a fee | waiver. | |
| 14) | Numb | er of pages attached to this Order, if any: | | |
| | Date: | | Judicial Officer | |

Warning and Notice to the Restrained Person in 2

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

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

| Case Number: | | |
|--------------|--|--|
| | | |

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| Clerk's Certificate [seal] | | (Clerk will fill out this part.) —Clerk's Certificate— | |
|-------------------------------|-------|---|-----------------------------|
| | • | his Restraining Order After Hearing to Store f the original on file in the court. | pp Harassment is a true and |
| | Date: | Clerk, by | , Deputy |

| CH-200 Proof of Personal Service | Clerk stamps date here when form is filed. |
|--|--|
| 1 Person Seeking Protection Name: | DRAFT March 30, 2011 |
| Person From Whom Protection Is Sought Name: | Not Approved by the Judicial Council |
| Notice to Server The server must: • Be 18 years of age or older. • Not be listed in items 1 or 3 of Form CH-100. • Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in 1. PROOF OF PERSONAL SERVICE I gave the person in 2 a copy of the forms checked below: a. CH-109, Notice of Court Hearing b. CH-110, Temporary Restraining Order | Fill in court name and street address: Superior Court of California, County of California, Californ |
| c. CH-100, Request for Orders to Stop Harassment d. CH-120, Response to Request for Orders to Stop Harassment (b e. CH-120-INFO, How Can I Respond to a Request for Orders to Stop f. CH-130, Restraining Order After Hearing to Stop Harassment g. CH-800, Proof of Firearms Turned In or Sold (blank form) h. Other (specify): | |
| 5 I personally gave copies of the documents checked above to the person is a. On (date): b. At (time): a c. At this address: | ı.m. 🗆 p.m. |
| City: Stat | |
| 6 Server's Information | |
| Name: | |
| Address: | |
| City: State | e: Zip: |

Server to sign here Type or print server's name

correct.

Telephone: _____

(If you are a registered process server):

County of registration: ______ Registration number: _____ I declare under penalty of perjury under the laws of the State of California that the information above is true and

What Is "Proof of Personal Service"?

What is "Service"?

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

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

The server must:

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

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

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

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

How to serve

Ask the server to:

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

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

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

When do the orders have to be served?

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

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

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

Service of Documents and Time for Service
To the Person in 1

At least ____ days before the hearing,

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

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

Who signs the Proof of Personal Service?

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

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

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

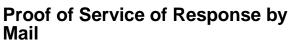
- Make at least five copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk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

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

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

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

CH-250 1 Person Seeking Protection Your Name: The server must:



Clerk stamps date here when form is filed.

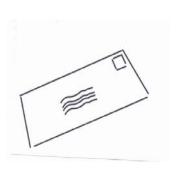
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Person From Whom Protection Is Sought

Notice to Server

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



Fill in court name and street address:

Superior Court of California, County of

| Fill in case number: | |
|----------------------|--|
| Case Number: | |

PROOF OF SERVICE BY MAIL

| b. Other (specify): | | |
|--|-------------------|------|
| a. Mailed from: City: | State: | |
| b. On (date): | _ | |
| c. To this address: | | |
| City: | State: | Zip: |
| Address: | | |
| Telephone: | | Zip |
| • | | |
| (If you are a registered process server): | | er: |
| (If you are a registered process server): County of registration: | Registration numb | |
| | _ | |

CH-260

Proof of Service of Order After Hearing by Mail

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

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

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of **Protected Person** Name: ____ Fill in case number: **Restrained Person** Case Number: Name: PROOF OF SERVICE BY MAIL I am 18 years of age or older and not a party to this proceeding or a person listed in item (3) of Form CH-130. I am a resident of or employed in the county where the mailing took place. I mailed the restrained person a copy of: a. Form CH-130, Restraining Order After Hearing to Stop Harassment b. Other (*specify*): I placed copies of the documents above in a sealed envelope and mailed them as described below: a. Mailed from: City: _____ State: ____ b. On (date): ____ c. To this address: City: _____ State: ____ Zip: _____ Server's Information Name: ______ Telephone: ______ Address: _____ State: _____ Zip: _____ (If you are a registered process server): County of registration: ______ Registration number: _____ I declare under penalty of perjury under the laws of the State of California that the information above is true and

Type or print server's name

correct

Server to sign here

CH-700

Request to Renew Restraining Order

| Clerk stamps | halow | whon | form | ic | filod |
|----------------|-------|------|--------|----|-------|
| Cierk starribs | below | wnen | IOIIII | ıs | IIIea |

DRAFT

| Your Full Name: | | | March 30, 2011 | | |
|--|--|--|--|--|--|
| | omalı. | Age: | Not Approved by the Judicial Council | | |
| Your Lawyer (if you have | | NI | Judicial Council | | |
| | State Bar ? | | | | |
| | | | | | |
| information. If you do not | a lawyer for this case, give yo have a lawyer and you want to may give a different mailing a lephone, fax, and e-mail.): | keep your | Court name and street address: Superior Court of California, County of | | |
| Address: | | | | | |
| | State: | | | | |
| Telephone: | Fax: | | Fill in case number: | | |
| | | | Case Number: | | |
| | | | | | |
| Restrained Person | | | L | | |
| Full Name: | | | Age: | | |
| Full Name: Age: | | | | | |
| Address (ij known). | | | | | |
| | | | | | |
| | | | | | |
| City:Request to Renew R | estraining Order | State: | | | |
| City: Request to Renew R I ask the court to renew th order is attached. | estraining Order e Restraining Order After Hea | State: | Zip: | | |
| City: Request to Renew R I ask the court to renew th | estraining Order e Restraining Order After Head | State: | Zip: | | |
| City: Request to Renew R I ask the court to renew the order is attached. a. The order ends on (dans) b. This is my first recommendation. | estraining Order e Restraining Order After Head | State: | Zip: | | |
| City: Request to Renew R I ask the court to renew th order is attached. a. The order ends on (dans) b. This is my first recommendation. The order has been | estraining Order e Restraining Order After Head re): uest to renew the order. | State: ring to Stop Hara eady. | Zip: assment (Form CH-130). A copy of the | | |
| City: Request to Renew R I ask the court to renew the order is attached. a. The order ends on (dans) b. This is my first recommend to be recommended. The order has been c. I want the order to be recommended. | estraining Order e Restraining Order After Head fee): quest to renew the order. frenewed times alreerenewed for three years | multiple State: ring to Stop Hara eady. □ other (spe | Zip: | | |
| City: Request to Renew R I ask the court to renew th order is attached. a. The order ends on (dans) b. This is my first recommend or the order has been considered ask the court to renew the court to | estraining Order e Restraining Order After Head re): quest to renew the order. renewed times alreed renewed for three years w the order because (explain be | eady. clow): answer. Attach a | Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment | | |
| City: Request to Renew R I ask the court to renew th order is attached. a. The order ends on (dans) b. This is my first recommend or the order has been considered ask the court to renew the court to | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for three years by the order because (explain because is not enough space for your decay.) | eady. clow): answer. Attach a | Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment | | |
| City: Request to Renew R I ask the court to renew th order is attached. a. The order ends on (dans) b. This is my first recommend or the order has been considered ask the court to renew the court to | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for three years by the order because (explain because is not enough space for your decay.) | eady. clow): answer. Attach a | Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment | | |
| City: Request to Renew R I ask the court to renew the order is attached. a. The order ends on (dans) b. This is my first recommend or the order has been considered ask the court to renew the court to | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for three years by the order because (explain because is not enough space for your decay.) | eady. clow): answer. Attach a | Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment | | |
| City: Request to Renew R I ask the court to renew th order is attached. a. The order ends on (dans) b. This is my first recommend of the order has been considered as the court to renew the court to r | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for | eady. other (species): answer. Attach a say use Form MC- | Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment | | |
| City: Request to Renew R I ask the court to renew the order is attached. a. The order ends on (data b). This is my first requested. The order has been counted to be a second or the court to renew th | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for | eady. other (species): answer. Attach a say use Form MC- | zip: Zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment 025, Attachment. | | |
| City: Request to Renew R I ask the court to renew the order is attached. a. The order ends on (data b). This is my first requested. The order has been counted. I want the order to be a count to renew the court to ren | estraining Order e Restraining Order After Head fe): quest to renew the order. renewed times alre renewed for | eady. other (species): answer. Attach a say use Form MC- | zip: assment (Form CH-130). A copy of the ecify): sheet of paper and write "Attachment 025, Attachment. | | |

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Notice of Hearing to Renew Restraining Order

| Clerk stamps | below | when | form | is | filea |
|--------------|-------|------|------|----|-------|
|--------------|-------|------|------|----|-------|

| 1 | Protected | Person |
|---|--------------|--------|
| | Your Full Na | ıme: |

Your Lawyer (if you have one):

Name: _____ State Bar No: _____

Firm Name: ____

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

 DRAFT March 30, 2011

Not Approved by the Judicial Council

Court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Restrained Person

 Full Name:
 Age:

 Address (if known):
 State:
 Zip:

3 Court Hearing

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

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

Name and address of court if different from above:

Hearing Date: ______ Time: ______

Dept.: _____ Room: ______

4 Service and Response

To the Protected Person

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

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

| Case Number: | | |
|--------------|--|--|
| | | |
| | | |

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

To the Restrained Person:

| If you wish to make a written response to the request to renew the restraining order, you may fill out Form CH-720, <i>Response to Request to Renew Restraining Order</i> . File the original with the court before the hearing and have someone age 18 or older— not you —mail a copy of it to the protected person at the address in 1 least days before the hearing. Also file Form CH-250, <i>Proof of Service of Response by Mail</i> , with the court before the hearing. |
|--|
| At the hearing, the judge can renew the current restraining orders for up to another three years. You <i>must</i> continue to obey the current restraining orders until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining orders are renewed, you <i>must</i> obey those orders even if you do not attend the hearing. |
| Date: |



Requests for Accommodations

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

CH-720

Response to Request to Renew Restraining Order

Clerk stamps date here when form is filed.

DRAFT 7 BG

March 30, 2011

Not Approved by the

Judicial Council

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

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

| 1 | Protected Person (Form CH-700, item 1) | | | |
|---|--|---|--|--|
| 2 | Name: Restrained Person Your Full Name: Age: | Court name and street address: Superior Court of California, County of | | |
| | Your Lawyer (if you have one): Name: State Bar No.: | | | |
| | Firm Name: | Fill in case number: | | |
| | Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead You do not have to give telephone, fax, and e-mail.): | Case Number: | | |
| | Address: | the hearing. Write your hearing date, | | |
| | City: State: Zip: | time, and place from Form CH-710 item (3) here. | | |
| | Telephone:Fax: E-Mail Address: | Hearing Date: | | |
| 3 | Response | Date Time: | | |
| | a. | Popt.: Room: You must continue to obey the current restraining order until the hearing. At the hearing, the court can extend the order against you up to another three years. | | |
| | d. I ask the court not to renew the order for the following reasons Check here if there is not enough space for your answer. Pusheet of paper or Form MC-025 and write "Attachment 3d- | ut your complete answer on the attached | | |
| | | | | |

| | Case Number: |
|---|--|
| Date: | |
| Lawyer's name, if you have one | Lawyer's signature |
| I declare under penalty of perjury under the correct. | e laws of the State of California that the information above is true and |
| Date: | • |
| Type or print your name | Sign your name |

| C | Order Renewing Restraining Order to Stop Harassment | Clerk stamps date here when form is filed. |
|---|--|---|
| 1 | Protected Person Your Full Name: Age: | DRAFT March 30, 2011 |
| | Your Lawyer (if you have one): Name: State Bar No.: Firm Name: | Not Approved by the Judicial Council |
| | Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): | Fill in court name and street address: Superior Court of California, County of |
| | Address: | |
| | City: State: Zip: | |
| | Telephone:Fax: | Fill in case number: |
| | E-Mail Address: | Case Number: |
| 2 | Restrained Person Full Name: Address (if known): City: State:Zip: | |
| 3 | Hearing There was a hearing on (date): at (time): a.m. (Name of judicial officer): These people were at the hearing: a. □ The protected person c. □ The lawyer for the protected person | made the orders at the hearing. |
| | b. The restrained person d. The lawyer for the restrained person | |
| | ☐ Additional persons present are listed on Form MC-025, Attachme | |
| 4 | Renewal and Expiration | |
| | The request to renew the attached <i>Restraining Order After Hearing to Stop</i> , is: a. DENIED. The attached order expires as stated in item 3 of the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed and will now expire to the order is renewed. | order. |

This is a Court Order

_ □ a.m. □ p.m. or □ midnight on (date):_

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

Judicial Officer

above.

| | | Q | Λ | |
|---|--|---|---|---|
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Proof of Firearms Turned In or Sold

Clerk stamps date here when form is filed.

| Protected Person | | DRAFT March 30, 2011 |
|--|--|---|
| Name: Restrained Person | | Not Approved by the Judicial Council |
| Your Full Name: | | |
| | Age: | |
| Your Lawyer (if you have of | one): | |
| Name: | State Bar No.: | Fill in court name and street address: |
| Firm Name: | | Superior Court of California, County of |
| Your Address (If you have information. If you do not h | a lawyer for this case, give your lawyer's nave a lawyer and you want to keep your may give a different mailing address instead. | |
| Address: | | Fill in case number: |
| City: | State: Zip: | Case Number: |
| Telephone: | Fax: | |
| E-Mail Address: | | |

(3) To the Restrained Person:

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

| $) \mid$ | To Licensed Gun Dealer | | |
|----------|---|--|--|
| | Fill out items (5) and (6) of this form. Keep a copy and give the original to the person who sold the firearms to you. | | |
| | The firearms listed in 6 were sold to me on: | | |
| | Date: at: | | |
| | To: Name of licensed gun dealer | | |
| | License number Telephone | | |
| | Address I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. | | |
| | Signature of licensed oun dealer | | |

Signature of law enforcement agent

| Firearms <u>Make</u> | <u>Model</u> | Serial Number |
|---|---|--------------------------|
| a | | |
| b | _ | |
| c | | |
| d | | |
| e. Check here if you turned in or sold more fireard 6—Firearms Turned In or Sold" for a title. Inc. | ms. Attach a sheet of paper and w | |
| Do you have, own, possess, or control any other firearr | ms besides the firearms listed in $(\epsilon$ | ? |
| If you answered yes, have you sold or transferred those <i>If yes, check one of the boxes below:</i> | e other firearms? | □ No |
| a. I filed a Proof of Firearms Turned In or Sold for | or those firearms with the court on | ı (date): |
| b. I am filing the proof for those firearms along w | vith this proof. | |
| c. I have not yet filed the proof for the other firear | rms. (explain why not): | |
| Check here if there is not enough space below f sheet of paper and write "Attachment 7c" for a | • • | e answer on an attache |
| | | |
| | | |
| | | |
| | | |
| I declare under penalty of perjury under the laws of the correct. | e State of California that the inform | nation above is true and |
| Date: | | |
| | | |
| | • | |
| Type or print your name | Sign your name | |

Case Number:

Not approved for use by the Judicial Council

CH-800-INFO

How Do I Turn In or Sell My Firearms?

(1) What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- · Assault weapon

(2) If you own or have a firearm you must:

- Turn it in to local law enforcement or
- Sell it to a licensed gun dealer

(3) How do I sell my firearm?

Find a licensed gun dealer in your area. Look under "Firearms Dealers" in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

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

5 If I turn my firearm in to law enforcement, how long will they keep it? Ask the law enforcement agency.

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

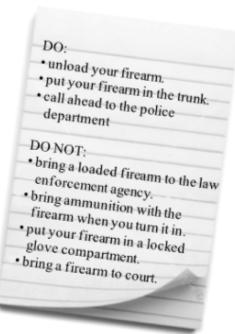
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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

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

8 Questions?

Call your local law enforcement agency: (insert local information here)



EA-100

Request for Orders to Stop Elder or Dependent Adult Abuse

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

1) Elder or Dependent Adult in Need of Protection

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the Judicial Council

| Full Name: | Judicial Council |
|--|--|
| Sex: M F Age: | |
| Barrer V. Ward Bartartha Franc | Fill in court name and street address: |
| Person You Want Protection From | Superior Court of California, County of |
| Full Name: | |
| Address (if known): | |
| City: State: Zip: | |
| Person Requesting Order | Court fills in case number when form is filed. |
| Who is asking the court for protection? (Check a, b, or c): | Case Number: |
| a. The elder or dependent adult named in (1). | |
| b. Name: | |
| conservator of the \Box person \Box estate \Box person and estate of the person named in \bigcirc , appointed by (court): | ite |
| Case No.: | |
| c. Other (<i>name</i>): | |
| (Show this person's legal authority to make this request on an at—Information About Person Requesting Protective Order" for a Attachment.) | V |
| | |

(4) Contact Information

Your Lawyer (if you have one):

Contact information for the person asking the court for protection:

Name: _____ State Bar No: _____ Firm Name:

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

This is not a Court Order

| | | Case Number: |
|----------|--|--|
| | | |
| <u>5</u> | Description of Protected Person | |
| | Describe the person named in ①. (Check a or b): | |
| | a. Is age 65 or older and a resident of California. | |
| | b. Is a resident of California and an adult under age 65. This perso restrict his or her ability to carry out normal activities or to proton the attached sheet of paper or Form MC-025. Write "Attached for a title.) | ect his or her rights. (Describe limitations |
| 6 | Additional Protected Persons | |
| | a. Are you asking for protection for any other family or household mendependent adult listed in (1)? If yes, list those persons: | nbers or the conservator of the elder or |
| | | with you? How are they related to you? |
| | Y | /es □ No |
| | Y | res □ No |
| | | Yes No No |
| | Y | Yes □ No |
| | Check here if there are more persons. Provide the above inform of paper or MC-025. Write "Attachment 6a—Additional Protection | |
| | b. Why do these people need protection? (Explain below): | |
| | ☐ Check here if there is not enough space for your answer. Put yo of paper or Form MC-025 and write "Attachment 6b—Why Oth | |
| | | |
| | | |
| | | |
| | | |
| _ | | |
| 7 | Relationship of Parties | |
| | How does the person in 1 know the person in 2? (Explain below): | |
| | Check here if there is not enough space for your answer. Put your of paper or Form MC-025 and write "Attachment 7—Relationship" | |
| | | |
| 8 | Venue | |
| | Why are you filing in this county? (check all that apply): | |
| | a. The person in 2 lives in this county. | |
| | b. \square The person in $\widehat{1}$ was abused by the person in $\widehat{2}$ in this county. | |
| | c. Other (specify): | |
| | This is not a Court Orde | r |

Revised January 1, 2012

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

EA-100, Page 2 of 7

| 9 Other Court Cases | | | | |
|--|---|-------------------------|---------------------------------------|--|
| a. Has the person in ① or any of the persons name ②? □ No □ Yes (If yes, specify the kind of | _ | | _ | |
| Kind of Case | Filed in (County/State) | Year Filed | Case Number (if known) | |
| (1) Elder or Dependent Adult Abuse | | | | |
| (2) Civil Harassment | | | | |
| (3) Domestic Violence | | | | |
| (4) Other Family Law (<i>specify</i>): | | | | |
| (5) \square Eviction | | | | |
| (6) Guardianship | | | | |
| (7) Criminal | | | | |
| (8) Workplace Violence | | | | |
| (9) Postsecondary School Violence | | | | |
| (10) Other (<i>specify</i>): | | | | |
| b. Are there now any protective or restraining order named in 6 and the person in 2 ? No | rs in effect relating to the p Yes If yes, attach a | erson in 1 copy of each | or any of the persons order you have. | |
| (10) Description of Abuse | | | | |
| a. Abuse means either: | | | | |
| | | | | |
| resulting physical harm or pain or mental suffering; or | | | | |
| (2) The withholding by a caretaker of goods o suffering. | r services that are necessar | y to avoid ph | ysical harm or mental | |
| b. Tell the court about the last time the person in (2) | abused the person in (1). | | | |
| (1) When did it happen? (provide date or estimate) | ated date): | | | |
| (2) Who else was there? | | | | |
| (3) Describe what happened below. | | | | |
| ☐ Check here if there is not enough space sheet of paper or Form MC-025 and w. | | | | |
| | | | | |
| | | | | |
| (A) Was the share golder financial share amage | annoniad by force threat | haragamant | intimidation or any | |
| other form of abuse? | (4) Was the abuse solely financial abuse unaccompanied by force, threat, harassment, intimidation, or any other form of abuse? | | | |
| Yes, only financial abuse. No, the | abuse included other forms | s of abuse des | cribed above. | |
| This is no | t a Court Order | | | |
| This is no | t a Court Order | | | |

Case Number:

| | 5) Did the person in 2 use or threaten to use a gun or any other weapon? | |
|----|---|----------|
| | ☐ Yes ☐ No (If yes, explain below): | |
| | ☐ Check here if there is not enough space for your answer. Put your complete answer on the attache sheet of paper or Form MC-025 and write "Attachment 10b(5)—Use of Weapons" for a title. | ≀d |
| | | |
| | 6) Was the person in 1 harmed or injured as a result of the acts of abuse described above? | |
| | \square Yes \square No (If yes, explain below): | |
| | ☐ Check here if there is not enough space for your answer. Put your complete answer on the attache of paper or Form MC-025 and write "Attachment 10b(6)—Harm or Injury" for a title. | ed sheet |
| | | |
| | 7) Did the police come? | |
| | If yes, did they give the person in ① or the person in ② an Emergency Protective Order? ☐ Yes ☐ | ☐ No |
| | If yes: The order protects (check all that apply): | |
| | a. \square The person in \bigcirc b. \square The person in \bigcirc c. \square The persons in \bigcirc 6 | |
| | Attach a copy of the order if you have one. | |
| c. | s the person in ② a care custodian who deprived the person in ① of (kept from him or her, did not allow r her to have or receive, or did not provide him or her with) goods or services that the person needed to a hysical harm or mental suffering? | |
| | Yes \square No (If yes, describe below what the person was deprived of and how that affected him or he | er): |
| | Check here if there is not enough space for your answer. Put your complete answer on the attached sh of paper or Form MC-025 and write "Attachment 10c—Deprivation by Care Custodian" for a title. | ıeet |
| | | |
| d. | It is the person in 2 abused you on other times? Yes No (If yes, describe prior incidents of harassment below): | |
| | Check here if there is not enough space for your answer. Put your complete answer on the attached sh of paper or Form MC-025 and write "Attachment 10d—Previous Abuse" for a title. | ıeet |
| | | |
| | | |
| | | |
| | | |
| | | |
| | This is not a Court Order | |

Case Number:

Revised January 1, 2012

| | | | 9 | Case Number: | | | |
|-----|--|---------------------------|---|--|--|--|--|
| | | | | | | | |
| | Check the orders you want ☑ | | | | | | |
| 11 | | ☐ Personal Conduct Orders | | | | | |
| | | I as | ask the court to order the person in 2 not to do the following things to rotected listed in 6 : | o the person in ① or to anyone to be | | | |
| | | a. | or otherwise), hit, harass, destroy the personal property of, or dis | sturb the peace of the person. | | | |
| | | b. | by telephone, in writing, by public or private mail, by interoffice by fax, or by other electronic means. | | | | |
| | | c. | . Take any action to obtain the person's address or location. | | | | |
| | | d. | Other specify): | | | | |
| | | | | | | | |
| | | | | | | | |
| 12) | ☐ Stay-Away Orders | | | | | | |
| | | a. | I ask the court to order the person in 2 to stay at least yand from the apply): | yards away from the person in 1 ne places listed below (Check all that | | | |
| | | | ☐ The residence of the person in ① ☐ The residences | of the other persons to be protected | | | |
| | | | ☐ The job or workplace of the person in ① ☐ The jobs or wo protected | orkplaces of the other persons to be | | | |
| | | | ☐ The vehicle of the person in ① ☐ The vehicles of ☐ Other (specify): | f the other persons to be protected | | | |
| | | | | | | | |
| | | b. | If the court orders the person in ②to stay away from all the places able to get to his or her home, school, or job? ☐ Yes ☐ No (!] | | | | |
| | | | ☐ Check here if there is not enough space for your answer. Put you sheet of paper or Form MC-025 and write "Attachment 12b—St | | | | |
| | | | | | | | |
| 12 | | M | Move-Out Order | | | | |
| 13) | I ask the court to order the person in 2 to move out from and not return to the residence at (address): | | | | | | |
| | | titl | The person in ① will suffer physical or emotional harm if the person in itle or lease to the residence is not in the sole name of the person in ② erson and one or more additional persons. | | | | |

This is not a Court Order

| 1 ask for this move-out order right away to last until the hearing, because: a. The person in ② assaulted or threatened the person in ①; and b. The person in ⑥ has the right to live at the above residence (Explain below): Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 13—My Right to Residence," for a title. Firearms Prohibition and Relinquishment Unless the abuse is only financial. if the judge grants a protective order, the person in ② will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in ② will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control. Does the person in ② own or possess any guns or other firearms? | a. The person in ② assaulted or threatened the person in ①; and b. The person in ① has the right to live at the above residence (Explanation of the context of the person in ② assaulted or threatened the person in ①; and b. The person in ② assaulted or threatened the person in ①; and c. Check here if there is not enough space for your answer. Put your context of the person in ② assaulted or threatened the person in ①; and d. Check here if there is not enough space for your answer. Put your context of the person in ② assaulted or threatened the person in ③; and | ain below): nplete answer on the attached sheet of | | | |
|--|---|---|--|--|--|
| Firearms Prohibition and Relinquishment Unless the abuse is only financial, if the judge grants a protective order, the person in ② will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in ② will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control. Does the person in ② own or possess any guns or other firearms? | | | | | |
| Unless the abuse is only financial, if the judge grants a protective order, the person in ② will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in ② will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control. Does the person in ② own or possess any guns or other firearms? ☐ Yes ☐ No ☐ I don't know Immediate Orders Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? ☐ Yes ☐ No (If you answered yes, explain why below): ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Immediate Orders" for a title. Request to Give Less Than Five Days' Notice You must have your papers personally service. (Form EA-200-INFO explains "What Is Proof of Personal Service?" Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.) If you want there to be fewer than five days between service and the hearing, explain why below: ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of | | | | | |
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| Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? | owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in 2 will also be ordered to turn in to law | | | | |
| Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? | Does the person in $②$ own or possess any guns or other firearms? \square | Yes □ No □ I don't know | | | |
| in ②? ☐ Yes ☐ No (If you answered yes, explain why below): ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 15—Immediate Orders" for a title. Request to Give Less Than Five Days' Notice You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form EA-200-INFO explains "What Is Proof of Personal Service?" Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.) If you want there to be fewer than five days between service and the hearing, explain why below: ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of | Immediate Orders | | | | |
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| ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of | You must have your papers personally served on the person in (2) at the court orders a shorter time for service. (Form EA-200-INFO exploservice?" Form EA-200, Proof of Personal Service, may be used to show the court of the court orders as shorter time for service. | ains "What Is Proof of Personal | | | |
| | If you want there to be fewer than five days between service and the hear | ing, explain why below: | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Revised January 1, 2012

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

| ☐ Lawyer's Fees an | d Costs | | |
|---|---|---------------------------|-------------|
| ■ | payment of my: a. \square Lawyer's | fees b. Court costs | |
| The amounts requested | d are: | | |
| <u>Item</u> | <u>Amount</u> | <u>Item</u> | Amoun |
| | \$ | | |
| | | | |
| | | | |
| | \$ | | \$ |
| I ask the court to make the | | | |
| ☐ Check here if there is | not enough space for your answer. Pu 25 and write "Attachment 19—Additio | | |
| ☐ Check here if there is | not enough space for your answer. Pu 5 and write "Attachment 19—Additio | | |
| ☐ Check here if there is | | | |
| ☐ Check here if there is | | | |
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| ☐ Check here if there is | | | |
| ☐ Check here if there is | | | |
| ☐ Check here if there is a paper or Form MC-02 | 5 and write "Attachment 19—Addition" | | |
| Check here if there is a paper or Form MC-02 | | | |
| Check here if there is a paper or Form MC-02 | 5 and write "Attachment 19—Addition" | | |
| Check here if there is a paper or Form MC-02 | to this form, if any: | nal Orders Requested," fo | |
| Check here if there is a paper or Form MC-02 | to this form, if any: | nal Orders Requested," fo | |
| Check here if there is a paper or Form MC-02 Number of pages attached Date: Lawyer's name (if any) | to this form, if any: | ver's signature | er a title. |
| Number of pages attached Date: Lawyer's name (if any) I declare under penalty of | to this form, if any: Law perjury under the laws of the State of | ver's signature | er a title. |
| Check here if there is a paper or Form MC-02 Number of pages attached Date: Lawyer's name (if any) | to this form, if any: Law perjury under the laws of the State of | ver's signature | er a title. |

Case Number:

This is not a Court Order

EA-100-INFO

DRAFT Not approved for use by March 30, 2011 the Judicial Council Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

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

What is a Restraining Order?

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

Can I get a Restraining Order?

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

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

How will the order help me?

The court can order a person to:

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

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

What forms do I need to get the order?

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

Where can I get these forms?

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

What do I need to do to get the order?

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

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

How soon can I get the order?

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

How long does the order last?

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

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

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

What if the restrained person does not obey the order?

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



EA-100-INFO, Page 1 of 3

EA-100-INFO

Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

How much does it cost?

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

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

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

Do I have to go to court?

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

Do I need a lawyer?

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

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

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

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

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

Will I see the restrained person at the court hearing?

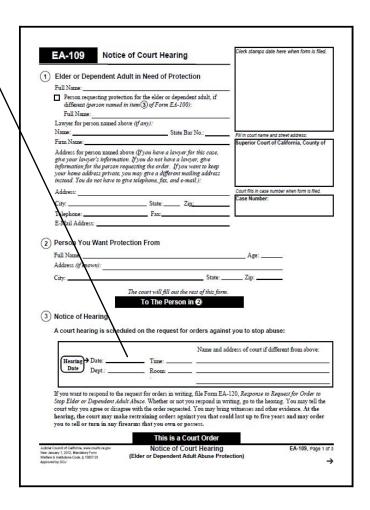
If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

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

What if I don't speak English?

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



Rev. January 1, 2012



Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

What if I am deaf or hard of hearing?



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

What if I move?

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

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

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

For help in your area, contact:

[Local information may be inserted.]

CONFIDENTIAL

EA-102

CLETS Information

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

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

| M F Height: or: Eye Color: | _ | | |
|--------------------------------------|---|---|-------------------------------|
| | • | - Date of Birth! _ | |
| | | | |
| | | | |
| M D F Height: | Weight: | Race: | |
| · · | | | |
| ce address) | (City, state, zip) | (Telepho | ne number) |
| ce) | (Occupation/title) | (Work he | ours) |
| , | (City, state, zip) Vehicle License | | ne number) |
| | | | |
| | | | |
| any guns or firearms you believe the | e restrained person owns or h | nas access to (Numb | er, types, and |
| | | | |
| People to Be Protected Name | Date of Bir | <u>rth</u> <u>Sex</u> | Race |
| | to Be Restrained (Name): M F Height: Eye Color: See address) Cicense Number and State: Type, model, year): any marks, scars, or tattoos: nes used by the restrained person: Firearms any guns or firearms you believe the): People to Be Protected | Type, model, year): to Be Restrained (Name): M F Height: | to Be Restrained (Name): M |

EA-102, Page 1 of 1

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|---|---|---|----------------|--------------------|
| | | ш | | \sim $^{\prime}$ |

Notice of Court Hearing

City: _____ State: ____ Zip: Telephone: _____ Fax:_____ E-Mail Address: Clerk stamps date here when form is filed.

Case Number:

| 1 Elder or Dependent Adult Full Name: | in Need of Protection | DRAFT March 30, 2011 |
|--|--|--|
| | for the elder or dependent adult, if em 3 of Form EA-100): | Not Approved by the Judicial Council |
| | (if any): State Bar No.: | - Fill in court name and street address: |
| give your lawyer's information. If information for the person reque. | sting the order. If you want to keep may give a different mailing address | _ Superior Court of California, County of |
| Address: | | Court fills in case number when form is filed. |

Person You Want Protection From

| Full Name: | | Age: |
|---------------------|--------|------|
| Address (if known): | | |
| City: | State: | Zip: |

The court will fill out the rest of this form.

To The Person in 2

Notice of Hearing

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

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

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

This is a Court Order

Notice of Court Hearing

EA-109, Page 1 of 3



| Tei a. | Tem | porar | Restraining Orders (Any orders granted are on Form EA-110, served with this notice.) ry Restraining Orders as requested in Form EA-100, Request for Orders to Stop Elder or not Adult Abuse, are (check only one box below): All GRANTED until the court hearing. |
|----------------------------------|--|--|---|
| | (2) | | All DENIED until the court hearing. (Specify reasons for denial in b, below.) |
| | (3) | | Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.) |
| b. | | | for denial of all or some Temporary Restraining Orders as requested in Form EA-100, Request rs to Stop Elder or Dependent Adult Abuse, are: |
| | (1) | | The facts as stated in Form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in 2). |
| | (2) | | Other (specify): |
| | | | |
| | | | |
| | | | |
| | | | |
| Se | rvice | of I | Documents and Time for Service |
| Se | rvice | of [| Documents and Time for Service To The Person in ①: |
| At l | least _ | y give | To The Person in 1: _days before the hearing, someone age 18 or older—not you or anyone to be protected—must e (serve) a court file-stamped copy of this form to the person in 2, along with a copy of all the |
| At l | least _ sonally ms ind | y give | To The Person in 1: Leadays before the hearing, someone age 18 or older—not you or anyone to be protected—must be (serve) a court file-stamped copy of this form to the person in 2, along with a copy of all the disclosed below: |
| At l pers form | least _ sonally ms ind EA-1 | y give | To The Person in ①: Lagrange |
| At l pers form a. b. | least _sonallyms ind | y give icate 100, A | To The Person in 1: Leadays before the hearing, someone age 18 or older—not you or anyone to be protected—must be (serve) a court file-stamped copy of this form to the person in 2, along with a copy of all the disclosed below: |
| At lapers forma. | least _sonallyms ind EA-1 | y give icate 100, <i>E</i> EA-11 | To The Person in ①: Leadys before the hearing, someone age 18 or older—not you or anyone to be protected—muste (serve) a court file-stamped copy of this form to the person in ②, along with a copy of all the debelow: Request for Orders to Stop Elder or Dependent Adult Abuse (filed-stamped) 10, Temporary Restraining Order (CLETS) (file-stamped) IF GRANTED |
| At I pers forma. b. | least _sonallyms ind EA-1 EA-2 EA-1 | y give icate 100, A EA-11 120, A 250, A | To The Person in ①: _days before the hearing, someone age 18 or older—not you or anyone to be protected—muste (serve) a court file-stamped copy of this form to the person in ②, along with a copy of all the debelow: Request for Orders to Stop Elder or Dependent Adult Abuse (filed-stamped) 10, Temporary Restraining Order (CLETS) (file-stamped) IF GRANTED Response to Request for Orders to Stop Elder or Dependent Adult Abuse (blank form) |
| At I pers forma. b. c. d. e. | least _sonallyms ind EA-1 EA-2 EA-1 CA-2 EA-1 EA-1 EA-1 EA-1 EA-1 EA-1 EA-1 EA-1 | y give icate 100, A 120, A 120-I Other court onally | To The Person in ①: |

Case Number:

EA-109, Page 2 of 3

| Case Number: | | |
|--------------|--|--|
| | | |

To The Person in 2:

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

| Date: | | |
|-------|------------------|--|
| | Judicial Officer | |



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

| EA-110 | Temporary | | | | |
|---|--|--|--|--|--|
| | - ust complete items (1 der or Depender | | | _ | RAFT 14 BG arch 30, 2011 |
| Full Name: | | | | Not A | Approved by the |
| | esting protection for treson named in item | the elder or dependent of Form EA-100): | t adult, if | Ju | dicial Council |
| _ | on named above (if a | nv)· | | | |
| • | , • | State Bar I | No : | Fill in court na | me and street address: |
| | | State But I | | Superior Co | ourt of California, County of |
| give your lawye information for your home addr | r's information. If yo the person requesting ess private, you may | you have a lawyer for u do not have a lawye g the order. If you wa give a different mailin phone, fax, and e-mail | er, give ant to keep ng address | Court fills in o | ase number when form is filed. |
| Address: | | | | | |
| | | State: Zip: | | • | |
| • | | _ Fax: | | | |
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| E-Mail Address Restrained F | Person | | | | |
| E-Mail Address Restrained F | Person | | | | |
| E-Mail Address Restrained F Full Name: Description: | Person | | | | |
| E-Mail Address Restrained F Full Name: Description: Sex: M | Person F Height: | Weight: | Date | of Birth: | |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye | Weight: e Color: | Date | of Birth: Race: | |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person The Height: Eye if known): | Weight: e Color: | Date | of Birth: Race: | |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person The Height: Eye if known): | Weight: e Color: | Date | of Birth: Race: | |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye if known): | Weight: e Color: sons | Date Age: | of Birth: Race: State: | Zip: |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye If known): al Protected Person named in 1 | Weight: e Color: sons | Date Age: | of Birth: Race: State: | |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye If known): al Protected Person named in 1 | Weight: e Color: sons), the following famil tected by the orders in | Date Age: | of Birth: Race: State: I members or | Zip: |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protected prot | Weight: e Color: sons), the following famil tected by the orders in | Date Age: S y or household dicated below ge Househol | of Birth: Race: State: I members or : d Member? | Zip: |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protected prot | Weight: e Color: sons), the following famil tected by the orders in | Date Age: y or household dicated below ge Househol Ye | of Birth: Race: State: I members or : d Member? es \[\] No | Zip: |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protoull Name if there are addition. | weight: e Color: sons), the following famil tected by the orders in | Date Age: y or household dicated below ge Househol Ye Ye Ye List them on a | of Birth: Race: State: I members or: d Member? es | Zip: conservator of the elder or Relation to Protected Perso eet of paper and write |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protected Name if there are additional Protected Person named in 1 are protected Person named in 1 name | weight: e Color: sons), the following famil tected by the orders in | Date Age: y or household dicated below ge Househol Ye Ye Ye List them on a title. You may | of Birth: Race: State: I members or: d Member? es | Zip: conservator of the elder or Relation to Protected Perso eet of paper and write |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protocull Name if there are additional Protoculate The | weight: e Color: sons), the following famil tected by the orders in sex A al protected persons. tected Persons" as a to court will complete the | Date Age: Sy or household dicated below ge Househol Selection Selection Household Hous | of Birth: Race: State: I members or d Member? s | Zip: conservator of the elder or Relation to Protected Perso eet of paper and write |
| E-Mail Address Restrained F Full Name: Description: Sex: | Person F Height: Eye of known): al Protected Person named in 1 named in 1 are protocull Name if there are additional Protoculate The | weight: e Color: sons), the following familitected by the orders in Sex A al protected persons. tected Persons" as a tected persons as a tected persons. | Date Age: Sy or household dicated below ge Househol Selection Selection Household Hous | of Birth: Race: State: I members or d Member? s | Zip: conservator of the elder or Relation to Protected Perso eet of paper and write |

81

| | Case Number: |
|--|--|
| | |
| To the Person in 2: | |
| The court has issued the temporary orders checked as granted these orders, you can be arrested and charged with a crime. Yo one year, pay a fine of up to \$1,000, or both. | • |
| 5 Personal Conduct Orders ☐ Not Requested ☐ Denied | ☐ Granted as Follows: |
| a. You must not do the following things to the elder or dependent adult not and to the other protected persons listed in 3 : | amed in 1 |
| (1) Physically abuse, financially abuse, intimidate, molest, attack, so otherwise), hit, harass, destroy the personal property of, or dist | urb the peace of the person. |
| (2) Contact the person, either directly or indirectly, by any means, by telephone, in writing, by public or private mail, by interoffice fax, or by other electronic means. | |
| (3) Take any action to obtain the person's address or location. If the found good cause not to make this order. | is item 3 is not checked, the court has |
| (4) Other <i>specify</i>): | |
| | |
| b. Peaceful written contact through a lawyer or a process server or any oth related to a court case is allowed and does not violate this order. | er person for service of legal papers |
| $oxed{6}$ Stay-Away Orders $oxed{\square}$ Not Requested $oxed{\square}$ Denied | ☐ Granted as Follows: |
| a. You must stay at least yards away from the elder or depend and from each other protected person listed in (3), and from the plan | <u> </u> |
| | s of the other protected persons |
| ☐ The job or workplace of the elder or ☐ The jobs or workplace dependent adult | orkplaces of the other protected persons |
| ☐ The vehicle of the elder or dependent adult ☐ The vehicles o☐ Other (specify): | |
| —————————————————————————————————————— | |
| b. This stay-away order does not prevent you from going to or from your h | nome or place of employment. |
| $oldsymbol{7}$ Move-Out Order $\ \square$ Granted $\ \square$ Denied $\ \square$ Not | Requested |
| You must immediately move out from and not return to (address): | |
| and must take only the personal clothing and belongings you need until the | • hearing |
| 8) Firearms Prohibition and Relinquishment Denied | ☐ Granted as Follows: |
| This order must be granted unless the abuse is financial only. | _ Granica as i snows. |
| a. You cannot own, possess, have, buy or try to buy, receive or try to receive firearms, or ammunition. | ive, or in any other way get guns, other |
| This is a Court Order | |

| | | Case Number: |
|----------------|---|--|
| 1 | | |
| c. Fina This | incial Abuse | within 24 hours of being served with this Order. Fing this Order that proves that your guns or form EA-800, Proof of Firearms Turned In or Sold, |
| Othe | er Orders (specify): Not Requested D | Denied Granted as Follows: |
| | | |
| ☐ A | dditional orders are attached at the end of this Order on | Attachment 10. |
| This | Order must be entered into the California Restraining ar ornia Law Enforcement Telecommunications System (C) The clerk will enter this Order and its proof-of-service | nd Protective Orders System (CARPOS) through the CLETS). (Check one): |
| b. □ c. □ | into CLETS. | made, the person in (1) or his or her lawyer should |
| | Name of Law Enforcement Agency | Address (City, State, Zip) |
| _ | | |
| / | Fee to Serve (Notify) Restrained Person sheriff or marshal serves this Order, he or she will do it | t for free. |
| Numl | ber of pages attached to this Order, if any: | |
| | | |
| Date: | : | rial Officer |
| Date: | | rial Officer |

| Case Number: | |
|--------------|--|
| | |

Warnings and Notices to the Restrained Person in 2

Possession of Guns or Firearms

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

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

This is a Court Order

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EA-110, Page 4 of 5

| Case Numb | er: | | |
|-----------|-----|--|--|
| | | | |

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| | | (Clerk will fill out this part) | |
|--|-------|---|----------------------------------|
| | | —Clerk's Certificate— | |
| Clerk's Certificate [seal] I certify that this Temporary I on file in the court. | | Temporary Restraining Order is a true and the struct. | and correct copy of the original |
| | Date: | Clerk, by | , Deputy |

EA-115

Request for Continuance and to Reissue Temporary Restraining Order

| | t Adult In Need of Protection | March 30, 2011 | |
|---|--|--|--|
| Full Name: | | Not Approved by the | |
| different (person nar | rotection for the elder or dependent adult, if med in item 3 of Form EA-100): | Judicial Council | |
| Lawyer for person name | | | |
| Name: | State Bar No.: | Fill in court name and street address: | |
| | | Superior Court of California, County | |
| give your lawyer's infor information for the pers your home address prive | ed above (If you have a lawyer for this case, mation. If you do not have a lawyer, give on requesting the order. If you want to keep ate, you may give a different mailing address to give telephone, fax, and e-mail.): | Court fills in sees a symples when form is filed | |
| Address: | | Court fills in case number when form is filed. Case Number: | |
| | State: Zip: | I I | |
| • | • | L | |
| * | Fax: | | |
| E-mail Address: | | - | |
| City: | State: | Zip: | |
| Request to Continu | us Haaring and to Deigous Tomporon | | |
| INCHUGAL IO COILLIII | ue mearing and to Reissue Temporary | v Restraining Order | |
| | ue Hearing and to Reissue Temporary e the hearing currently scheduled for (date): | y Restraining Order | |
| ask the court to continue | e the hearing and to Reissue Temporary the the hearing currently scheduled for (date): the data of t | | |
| ask the court to continue and to reissue the attache | te the hearing currently scheduled for (date): and Temporary Restraining Order (Form EA-110) |). | |
| ask the court to continue and to reissue the attache a. The attached order w | te the hearing currently scheduled for (date): and Temporary Restraining Order (Form EA-110) was issued on (date): |). without notice to the person in 2 | |
| ask the court to continue and to reissue the attache a. The attached order w b. I could not get the or | the hearing currently scheduled for (date): and Temporary Restraining Order (Form EA-110) are vas issued on (date): arder served before the hearing date for the reason |). without notice to the person in 2 | |
| ask the court to continue and to reissue the attache a. The attached order w | the hearing currently scheduled for (date): and Temporary Restraining Order (Form EA-110) are vas issued on (date): arder served before the hearing date for the reason |). without notice to the person in 2 | |
| ask the court to continue and to reissue the attache a. The attached order w b. I could not get the or □ below □ on the | e the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page |). without notice to the person in 2 | |
| a. The attached order w b. I could not get the or below on the | e the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page equest to reissue the Order. |). without notice to the person in 2 | |
| a. The attached order w b. I could not get the or below on the | e the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page |). without notice to the person in 2 | |
| a. The attached order w b. I could not get the or below on the c. This is the first re | e the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page equest to reissue the Order. | without notice to the person in 2 | |
| ask the court to continue and to reissue the attache a. The attached order w b. I could not get the or below on the c. This is the first re The Order has be | et the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page equest to reissue the Order. een previously reissued times. of perjury under the laws of the State of Californ | without notice to the person in 2 ns stated: | |
| a. The attached order w b. I could not get the or below on the This is the first re The Order has be I declare under penalty of | et the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page equest to reissue the Order. een previously reissued times. of perjury under the laws of the State of Californ | without notice to the person in 2. ns stated: | |
| ask the court to continue and to reissue the attache a. The attached order was b. I could not get the orall below on the court of the order has been ordered. The Order has been ordered. | e the hearing currently scheduled for (date): ed Temporary Restraining Order (Form EA-110) vas issued on (date): rder served before the hearing date for the reason e attached page equest to reissue the Order. een previously reissued times. of perjury under the laws of the State of Californ | without notice to the person in 2 . | |

This is not a Court Order

Clerk stamps date here when form is filed.

DRAFT

EA-116

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

Clerk stamps date here when form is filed.

DRAFT 9 BG March 30, 2011

| Warch 50, 2011 | |
|----------------------------|--|
| Not Approved by the | |
| ċial Council | |
| and street address: | |
| t of California, County of | |
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| number when form is filed. | |
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| on is sought | |
| e the current hearing date | |
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| ing date. | |
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| ed for: | |
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| Case Number: | | |
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Warning and Notice to the Person in 2

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

(7) Order for Continuance and Notice of Hearing

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

| | | | | NY 1 11 0 10 100 0 |
|-------|-------|----------------------------------|--|---|
| | New | | | Name and address of court if different from above: |
| ۱ | | → Date: | | |
| | Date | Dept.: | Room: | |
| | | | | |
| a. | | the other document | s requesting orders to sto | person in 2 at least days before the hearing, along with p abuse. If reissuance is denied in item 5b on page 1, a copy |
| | | 1 2 | | -110) must NOT be attached and served. |
| b. | | | of this Order is required to were given a signed copy | because both parties were present at the initial hearing date (y of this Order. |
| En | try c | of Order Into CA | RPOS Through CLE | ETS |
| If th | ne Te | mporary Restraining | Order has been reissued | (item 5c is checked), this Order must be entered into the |
| | | • | _ | (CARPOS) through the California Law Enforcement |
| Tel | ecom | munications System | (CLETS). (Check one): | |
| a. | | The clerk will enter | this Order and its proof- | of-service form into CLETS. |
| b. | | The clerk will trans into CLETS. | mit this Order and its pro | oof-of-service form to a law enforcement agency to be entered |
| c. | | | y of the Order and its pr | Order is made, the person in 1 or that person's lawyer coof-of-service form to the law enforcement agency listed |
| | | Name of Law Enfor | rcement Agency | Address (City, State, Zip) |
| | | | | |
| | | Additional law enfo | orcement agencies are list | ted at the end of this Order in Attachment 8. |
| | | | | |
| | | • | y) Restrained Perso | |
| If th | he sh | eriff or marshal serv | es this Order, he or she w | vill do it for free. |
| | | | | |
| | | | | |

->

| | | Case Number: |
|-------|------------------|--------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| Date: | | |
| | Judicial Officer | |



Requests for Accommodations

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

(Clerk will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate [seal]

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

Date: _____

Clerk, by ______, Deputy

EA-120

Response to Request for Orders to Stop Elder or Dependent Adult Abuse

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

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

| 1) Elder or Dependent Adult Seeking Protection | |
|---|---|
| Name: | Fill in court name and street address: |
| ☐ Name of person asking for the protection, if different: (This is the person named in item ③) of the request (Form EA) | Superior Court of California, County of |
| Person From Whom Protection is Sought | |
| Your Name: | Fill in case number: |
| Your Lawyer (if you have one) | Case Number: |
| Name:State Bar No.: | |
| Firm Name: | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): | Present your response and any opposition at the hearing. Write your hearing date, time, and place (from Form EA-109, item 3) here: Hearing Date: Time: Room: |
| Address: | If you were served with a Temporary Restraining Order, you must obey it until the |
| City: State: Zip: | hearing. At the hearing, the court may make |
| Telephone: Fax: | orders against you that last for up to five years. |
| E-Mail Address: | |
| | |
| 3) Personal Conduct Orders | |
| a. \square I agree to the orders requested. | |
| b. I do not agree to the orders requested. | |
| c. I agree to the following orders (specify): | |
| | |
| <u> </u> | |
| 4) ☐ Stay-Away Orders | |
| a. \(\square\) I agree to the orders requested. | |
| b. \square I do not agree to the orders requested. | |
| c. I agree to the following orders (specify): | |
| | |
| | |

Clerk stamps date here when form is filed.

DRAFT 14 BG

March 30, 2011

Not Approved by the

Judicial Council

| | | | ase number: |
|------------|--------------------|---|---|
| 5 | | Move-Out Order | |
| | | a. I agree to the order requested. | |
| | | b. I do not agree to the order requested. | |
| | | c. I agree to the following order (specify): | |
| 6) | Fir | rearms Prohibition and Relinquishment | |
| | you fire dea | you were served with Form EA-110, <i>Temporary Restraining Order</i> , so may not own or possess any guns, other firearms, or ammunition rearms that you own and file a receipt with the court from a law enfealer within 48 hours after you received Form EA-110. You may use <i>urned In or Sold</i> , for the receipt. | You must turn in any guns or or or a licensed gun |
| | a. | ☐ I do not own or control any guns or firearms. | |
| | b. | ☐ I have turned in my guns and firearms to the police or to a license | d gun dealer. |
| | | A copy of the receipt \square is attached. \square has already been file | d with the court. |
| 7 | | Other Orders | |
| | | a. I agree to the orders requested. | |
| | | b. I do not agree to the orders requested. | |
| | | c. I agree to the following orders (specify): | |
| | | | |
| 8 | | Denial | |
| | I di | lid not do anything described in item 7 of Form CH-100. (<i>Skip to</i> 10 .) | |
| 9 | | Justification or Excuse | |
| | | I did some or all of the things that the person in 1 has accused me of, ne following reasons (explain): | ny actions were justified or excused for |
| | | Check here if there is not enough space below for your answer. Put yo sheet of paper and write "Attachment 9—Justification or Excuse" as Attachment. | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | | | wyer's fees | |
|---|-------------------------------------|---------------|---|---------------|
| | Item | Amount | <u>Item</u> | <u>Amount</u> |
| | | \$ | | <u> </u> |
| | | \$ | | \$ |
| | | \$ | | \$ |
| | | \$ | | <u> </u> |
| | | \$ | | <u> </u> |
| | | \$ | | \$ |
| Number of p | pages attached to this | form, if any: | | |
| • | | form, if any: | | |
| Date: | | | | |
| • | | | Lawyer's signature | |
| Date: Lawyer's na I declare une and correct. | me (if any) der penalty of perjury | | Lawyer's signature ate of California that the inf | |
| Date: Lawyer's na | me (if any) | | | |
| awyer's na | me (if any) der penalty of perjury | | | |

Revised January 1, 2012

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| | A-120 Notice of Hearing and Temporary Restraining Order | Clerk stamps date here when form is filed. |
|----|--|---|
| 1 | Name of person to be protected: | |
| | Address (Skip this if you have a lawyer. If you want your address to be private, give a mailing address instead): | |
| | City: State: Zip: | |
| | Your telephone number (optional): | Fill in court name and street address: |
| | Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): | Superior Court of California, County of |
| 2) | Name of person to be restrained: | |
|) | | Court fills in case number when form is filed. Case Number: |
| | Description of that person: | |
| 3 | Home Address (if known): City: State: Work Address (if known): | Date of Birth: Zip: Zip: |
| | Name and add Hearing → Date: Time: | lress of court if different from above: |
| | Date Dept.: Rm.: | |
| 4 | If you do not want the court to make orders against you, file Form EA-11 court why you disagree. You may bring witnesses and other evidence. If may make restraining orders against you that could last up to 3 years. Court Orders The court (check a or b): a | ryou do not go to this hearing, the court as you at this time. ary orders against you specified on |
| | This is a Court Order. | |

Approved by DOJ

| | | Case Number: | |
|--|-----------------------------|----------------------------|---------------------|
| ur name: | | | |
| ☐ Additional Protected Persons | | | |
| In addition to the person named in ①, the follo dependent adult named in ① are protected by the | | | tor of the elder or |
| <u>Name</u> | | Sex | <u>Age</u> |
| | | | |
| | | | |
| Additional protected persons are listed | at the end of this Order of | us EA-120 Attachment 5 | · |
| Temporary Orders | Against the Restrain | ned Person | |
| (Write the name of the person in $\textcircled{2}$): | | | _ |
| The court has made the temporary orde these orders. These orders will expire cextended by the court. | | | |
|) ☐ Personal Conduct Orders | | | |
| You must not do the following things to th a. Physically abuse, financially abuse, follow, stalk, threaten, harass, destro | intimidate, molest, attack | , assault (sexually or otl | herwise), hit, |
| ☐ b. Contact (directly or indirectly), telep | phone, send messages, ma | il, or e-mail. | |
| c. Take any action, directly or through that person's family or caretakers. (<i>I this order</i> .) | f item c. is not checked, t | he court has found good | l cause not to mak |
| Peaceful written contact through a lawyer or a related to a court case is allowed and does not | 1 , | er person for service of | legal papers |
| │ | | | |
| You must stay at least (specify): | yards away from: | | |
| a. The person listed in 1 | d. The vehicle | • | |
| b. The home of the person in ① | e. The persons | _ | |
| c. The job or workplace of the person in 1 | f. Other (spec | ify): | |
|)□ Move-Out Order | | | |
| You must immediately move out from and not | return to (address): | | |
| and must take only the personal clothing and b | pelongings you need until | the hearing. | |
| · _ | | • | |
|) | | 41 | |
| You cannot own, possess, have, buy or try to b firearm. | uy, receive or try to recei | ve, or in any other way | get a gun or |
| | s a Court Order. | | |

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| Your | name: | Case Number: |
|-------------|--|--|
| | | |
| (10) | Turn In or Sell Guns or Firearms You must: Sell to a licensed gun dealer or turn in to police any guns or firearms that must be done within 24 hours of being served with this order. | nt you possess or control. This |
| | • File a receipt with the court within 48 hours of receiving this order that in or sold. (<i>You may use Form EA-145</i> , Proof of Firearms Turned In or | |
| 11 | Financial Abuse This case does not does involve solely financial abuse unaccintimidation or any other form of abuse. | companied by force, threat, harassment, |
| 12 | Other Orders (specify): | |
| | ☐ Additional orders are attached at the end of this Order as EA-120 Attached | |
| | Instructions for the Protected Pe | erson |
| | To the person in 1: (Write the name of the person in 1): | |
| (13) | Service of Order on Law Enforcement If the court issues temporary restraining orders, by the close of business on you your lawyer the court clerk should deliver a copy of this Order and any proof of service forms to each I Name of Law Enforcement Agency Address (| |
| (44) | Sandag of Dogwoods | |
| (14) | You must have someone personally deliver to the person in ② a copy of al a. Form EA-120, Notice of Hearing and Temporary Restraining Order (color b. Form EA-100, Request for Orders to Stop Elder or Dependent Adult Al c. Form EA-110, Response to Request for Orders to Stop Elder or Dependent Adult Al form EA-151-INFO, How Can I Respond to a Request for Orders to Start If the boxes below are checked, you must also have someone personally deall the documents checked below: e. □ Form EA-145, Proof of Firearms Turned In or Sold (blank form) f. □ Other (specify): | ompleted and filed-stamped) buse (completed and filed-stamped) dent Adult Abuse (blank form) top Elder or Dependent Adult Abuse? eliver to the person in ② a copy of |
| | You must file with the court before the hearing a proof of service of these described (For help with service, read Forms EA-142-INFO and EA-150-INFO.) | ocuments on the person in (2). |

| | | Case Number: |
|------|--|---|
| Your | name: | |
| 15 | Order to Both P ☐ Time for Service | arties on Service |
| | A To: Person Asking for Order | B To: Person Served With Order |
| | Someone 18 or over—not you or anyone protected by this order—must personally "serve" a copy of this order on the person in 2 at least days before the hearing. | If you want to respond in writing, someone 18 or over— not you —must "serve" Form EA-110 on the person in ①, then file it with the court at least days before the hearing. |
| | (For help with service or responding, read Forms I | EA-142-INFO and EA-151-INFO .) |
| 16) | No Fee to Notify (Serve) Restrained Per If the sheriff or marshal serves this Order, he or sh Date: | |
| | Warnings and Notices to | the Restrained Person in (2) |

You Cannot Have Guns or Firearms

- If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ① above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.
- (18) After You Have Been Served With a Restraining Order
 - Obey all the orders.
 - If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
 - Serve Form EA-110 on the person in ① or that person's attorney by the date listed in ⑤ of this form. You cannot serve the person in ①. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
 - In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. Form MC-030, *Declaration*, is available from the clerk's office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or to his or her lawyer.
 - If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
 - At the hearing, tell the judge if you agree or disagree with the orders requested.
 - Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

| | Case Number: |
|------------|--------------|
| Your name: | |
| | |

19 Notice Regarding Nonappearance at Hearing and Service of Order

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

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

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

Instructions for Law Enforcement Agencies

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

Information for All Parties



Requests for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

| I certify that this Notice of Hearing and Temporary Restraining | Order | is a tr | ue |
|---|-------|---------|----|
| and correct copy of the original on file in the court. | | | |

| Date: Clerk, by | , Deputy |
|-----------------|----------|
|-----------------|----------|

EA-120-INFO

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

What is an elder or dependent adult abuse protective order?

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

What does the order do?

The court can order you to:

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

Who can ask for a restraining order?

A person who is being:

- Financially abused
- Neglected
- · Abandoned or abducted
- · Isolated

Harmed

 Deprived by a caregiver of goods or services necessary to live on

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

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

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

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

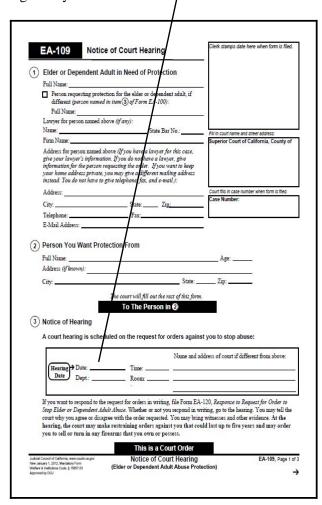
Do I have to serve the other person with a copy of my response?

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

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

Should I go to the court hearing?

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



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

How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

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

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

What if I am deaf or hard of hearing?



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted]

| | Elder or Dependent Adult Abuse | Stop Clerk stamps date here when form is filed. |
|--|---|---|
| _ | must complete items 1, 2 and 3 only. Elder or Dependent Adult | DRAFT March 30, 2011 |
| Full Name: _ | Age: | |
| | equesting protection for the elder or dependent adult, if (person named in item 3) of Form EA-100): ne: | Judicial Council |
| Lawyer for p | person named above (if any): | |
| Name: | State Bar No.: | Fill in court name and street address: |
| Firm Name: | | Superior Court of California, County of |
| give your law information f your home ac | person named above (If you have a lawyer for this case, wyer's information. If you do not have a lawyer, give for the person requesting the order. If you want to keep ddress private, you may give a different mailing address do not have to give telephone, fax, and e-mail.): | |
| Address: | | Case Number: |
| City: | State: Zip: | |
| | Fax: | |
| • | ress: | |
| | d Person | |
| Full Name: _ Description: | | |
| | Sex: M F Height: Weight: Hair Color: Ag | Date of Birth: |
| | Sex: M F Height: Weight: | Date of Birth: |

This is a Court Order

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

| | | | | | | Case Number: | |
|---|-----|------------|---|---|-------------------------|--|---------------------------------------|
| 5 | He | aring | | | <u> </u> | | |
| | a. | There w | | · | at (time): | in Dept.: | Room: |
| | | (Name o | f judicial officer): _ | | 1 | made the orders at | the hearing. |
| | b. | These pe | eople were at the hear | | | | |
| | | (1) | 1 | ent adult in need of pro | | | |
| | | (2) | · _ | lder or dependent adul | • | | |
| | | (3) ∐ | | king for protection (if | • | * | |
| | | (4) | _ | person in 1 asking for | protection (name): | | |
| | | (5) | The person in 2 The lawyer for the r | person in (2) (name): _ | | | |
| | | (6) | | present are listed at the | | | _ |
| | c. | | | | | | ot (time). |
| | ٥. | | e nearing is continued | . The parties must return | in to court on (adie) | • | _ at (<i>time</i>): |
| | | | | To the Perso | n in ② | | |
| | Th | e court | has granted the or | ders checked belov | v. If vou do not o | bev these order | s. vou can be |
| | arı | rested a | | crime. You may be | | | |
| 6 | | Persor | nal Conduct Orde | ers | | | |
| | a. | | | g things to the elder or | dependent adult nar | ned in 1 : | |
| | | | | d persons listed in 3: | | | |
| | | (1) | | ancially abuse, intimid | | | • |
| | | (2) | , · · · · · | rass, destroy the person either directly or indirect | | • | • |
| | | (-) | by telephone, in writ | ing, by public or privat | | | |
| | | (a) \Box | by fax, or by other el | | 1 76.4 | (2): | 1.4 .1 |
| | | (3) | • | btain the person's addr ot to make this order. | ess or location. If ite | em (3) is not check | ed, the court has |
| | | (4) | Other (<i>specify</i>): | n to make this order. | | | |
| | | (1) | (or (or (or))) | | | | |
| | b. | Peaceful | written contact throu | gh a lawyer or a proces | ss server or any othe | er person for servic | e of legal papers |
| _ | | related to | o a court case is allow | red and does not violate | e this order. | | |
| 7 | | Stay-A | way Orders | | | | |
| | a. | | • | yards away from t | _ | • | |
| | | □ and | from each other prote | ected person listed in (| 3) and from the place | es listed below (ch | eck all that apply): |
| | | | The residence of the adult | elder or dependent | | s of the other prote orkplaces of the otl | cted persons her protected persons |
| | | | The job or workplace dependent adult | e of the elder or | ☐ The vehicles of | of the other protecto | ed persons |
| | | | The vehicle of the el | der or dependent adult | | | |
| | | | Other (specify): | | | | |
| | | | | This is a Co | ourt Order | | |

Revised January 1, 2012

| | | Cast | e Number: |
|---|---|-------------------------------------|---|
| | | | |
| b. This stay-away order does | not prevent you from going | g to or from your home | or place of employment. |
| ☐ Move-Out Order | | | |
| You must immediately move o | out from and not return to (a | address): | |
| and must take only the persona | al clothing and belongings y | ou need. | |
| ☐ Firearms Prohibition | and Relinquishment | | |
| This Order must be granted un | less the abuse is financial o | only. | |
| a. You cannot own, possess,other firearms, or ammunb. If you have not already don | nition. | eceive or try to receiv | e, or in any other way get gur |
| • Sell to a licensed gun d | ealer or turn in to a law enf | | guns or other firearms in your eing served with this Order. |
| | court within 48 hours of rece Form EA-800, Proof of F | | oroves guns have been turned old, for the receipt.) |
| c. The court has received in | information that you own o | r possess a firearm. | |
| Financial Abuse | | | |
| This case \Box does not \Box | | ncial abuse unaccomp | anied by force, threat, harassmo |
| intimidation, or any other form | | | |
| intimidation, or any other form ☐ Lawyer's Fees and Cos | ets | o | - 1 |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (| tts 1 the following amounts | _ | |
| intimidation, or any other form ☐ Lawyer's Fees and Cos | ets | for: a. □ Lawyer fee <u>Item</u> | es b. Court costs Amount \$ |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (| the following amounts Amount | <u>Item</u> | Amount \$ |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (| the following amounts Amount \$ \$ | _ | <u>Amount</u> \$ |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (| the following amounts Amount \$ \$ | <u>Item</u> | <u>Amount</u> \$ |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (Item | the following amounts Amount \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ |
| intimidation, or any other form ☐ Lawyer's Fees and Cos You must pay to the person in (Item | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |
| □ Lawyer's Fees and Cos You must pay to the person in (Item □ Additional amounts | the following amounts Amount \$ \$ \$ \$ \$ \$ \$ | <u>Item</u> | <u>Amount</u> \$\$ \$\$ \$\$ \$\$ |

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| 13 | Mandatory Entry of Order Into CARPOS Through CLETS This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one): | | |
|-----|--|--|--|
| | a. The clerk will enter this Order and its proof-of-service form into CLETS. | | |
| | b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS. | | |
| | c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS: Name of Law Enforcement Agency Address (City, State, Zip) | | |
| | Additional law enforcement agencies are listed at the end of this Order on Attachment 13. | | |
| 14) | Service of Order on Restrained Person | | |
| _ | a. The people in 1 and 2 were both at the hearing. No other proof of service is needed. | | |
| | b. | | |
| 15) | No Fee to Serve (Notify) Restrained Person If the sheriff or marshal serves this Order, he or she will do so for free. | | |
| 16) | Number of pages attached to this Order, if any: | | |
| | Dota: | | |
| | Date: | | |
| | Warnings and Notices to the Restrained Person in 2 | | |
| | Possession of Guns or Firearms | | |

Case Number:

If the court grants the orders in item (9) on page 3, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item (9). The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

This is a Court Order

EA-130, Page 4 of 5

Revised January 1, 2012

| Case Number: | | |
|--------------|--|--|
| | | |

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| Clerk's Certificate | , | rk will fill out this part.) | |
|---------------------|---|---------------------------------|----------|
| [seal] | Clerk's Certificate I certify that this <i>Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse</i> is a true and correct copy of the original on file in the court. | | |
| | Date: | Clerk, by This is a Court Order | , Deputy |

EA-130, Page 5 of 5

| | EA-200 Proof of Personal Service | Clerk stamps date here when form is filed. |
|---|---|--|
| 1 | Person Seeking Protection Name: | DRAFT March 30, 2011 |
| 2 | Person From Whom Protection Is Sought | Not Approved by the Judicial Council |
| (2) | Name: | |
| (3) | Notice to Server The server must: Be 18 years of age or older. Not be listed in items 1 or 3 of Form EA-100. Give a copy of all documents checked in 4 to the person in 2. (You cannot send them by mail.) Then complete and sign this form | Fill in court name and street address: Superior Court of California, County of |
| | and give or mail it to the person in 1. | Fill in case number: |
| | PROOF OF PERSONAL SERVICE | Case Number: |
| 456 | I gave the person in ② a copy of the forms checked below: a. □ EA-109, Notice of Court Hearing b. □ EA-110, Temporary Restraining Order c. □ EA-100, Request for Orders to Stop Elder or Dependent Adult Abut d. □ EA-120, Response to Request for Orders to Stop Elder or Depende e. □ EA-120-INFO, How Can I Respond to a Request for Orders to Stop f. □ EA-130, Restraining Order After Hearing to Stop Elder or Depende g. □ EA-800, Proof of Firearms Turned In or Sold (blank form) h. □ Other (specify): I personally gave copies of the documents checked above to the person in ② a. On (date): □ □ a.m c. At this address: □ □ State: □ City: □ State: □ Server's Information Name: □ | ent Adult Abuse (blank form) p Elder or Dependent Adult Abuse? lent Adult Abuse 2): n. |
| | Address: | |
| | City: State: . | Zıp: |
| | Telephone: | |
| | (If you are a registered process server): | |
| | County of registration: Registratio | on number: |
| | I declare under penalty of perjury under the laws of the State of California to correct. Date: | hat the information above is true and |

105

Server to sign here

Type or print server's name

Not approved for use by the Judicial Council

EA-200-INFO

What Is "Proof of Personal Service"?

What is "Service"?

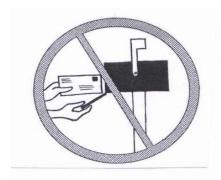
Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person service." The *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100), the *Notice of Court Hearing* (Form EA-109),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

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

The server must:

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

The sheriff or marshal may be authorized to serve the court's orders for free.

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

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

How to serve

Ask the server to:

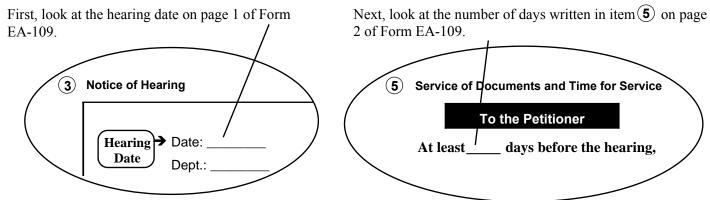
- Walk up to the person to be served.
- Make sure it is the right person. Ask the person's name.
- Give the person copies of all papers checked on Form EA-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

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

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

When do the orders have to be served?

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



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

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

Who signs the Proof of Personal Service?

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

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

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

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

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

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

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

Proof of Service of Response by Mail 1 Elder or Dependent Adult Seeking Protection Name: 2 Person From Whom Protection Is Sought Your Name: 3 Notice to Server The server must:

• Be 18 years of age or older

Not be the person listed in 2
Mana copy of all documents

it to the person in (2)

Be a resident or employed in the

county where the mailing took place

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

| | checked in (4) to the person in (1) | |
|---|--------------------------------------|---|
| | <u> </u> | 1 |
| • | Complete and sign this form and give | |

| | PROOF OF SE | RVICE BY MAIL | | | |
|---|---|----------------|---------|--|--|
| 4 | I am 18 years of age or older and not a party to this proceeding. I am a resident or employed in the county where the mailing took place. I mailed the person in 1 a copy of all documents checked below: | | | | |
| | a. Form EA-120, Response to Request for Ordeb. Other (specify): | | | | |
| 5 | | | | | |
| | a. Mailed from: City: State: | | | | |
| | b. On (<i>date</i>): | | | | |
| | c. To this address: | | | | |
| | City: | State: | Zip: | | |
| 6 | Server's Information Name: | | | | |
| | Address: | | | | |
| | City: | | | | |
| | Telephone: | | 1 | | |
| | (If you are a registered process server): | | | | |
| | County of registration: | Registration n | number: | | |
| I declare under penalty of perjury under the laws of the State of California that the information above is correct. | | | | | |
| | Date: | • | | | |

Type or print server's name

Server to sign here

EA-260

Proof of Service of Order After Hearing by Mail

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

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

| 1 | Protected Elder or Dependent Adult Name: |
|---|--|
| 2 | Restrained Person Name: |

Clerk stamps date here when form is filed.

DRAFT BG 1 March 30, 2011

Not Approved by the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

| 3 | I am 18 years of age or older and am not a party to this proceeding or a person listed in item 3 of Form EA-130. I am a resident of or employed in the county where the mailing took place. I mailed the restrained person a copy of: | | | | | |
|----------|---|----------------------|-------------------|---------------|--|--|
| | a. Form EA-130, Restraining Order After to Stob. Other (specify): | = = | | | | |
| | | | | | | |
| 4 | I placed copies of the documents above in a sea | led envelope and mai | iled them as desc | cribed below: | | |
| | a. Mailed from: City: | State: | b. On (a | date): | | |
| | c. To this address: | | | | | |
| | City: | ; | State: | Zip: | | |
| 5 | Server's Information | | | | | |
| | Name: Telephone: | | | | | |
| | Address: | | | | | |
| | City: | St | ate: | Zip: | | |
| | (If you are a registered process server): | | | | | |
| | County of registration: | Regis | stration number: | | | |
| | I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. | | | | | |
| | Date: | | | | | |
| | | • | | | | |
| | Type or print server's name | Server | to sign here | | | |

Request to Renew Restraining Clerk stamps below when form is filed. **EA-700 Protected Elder or Dependent Adult** DRAFT March 30, 2011 Person requesting protection for the elder or dependent adult, if Not Approved by the different (person named in item (3) of Form EA-100): Judicial Council Full Name: Lawyer for person named above (if any): Name: _____ State Bar No.: Court name and street address: Firm Name: Superior Court of California, County of Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: _____ Fill in case number: Case Number: City: ______ State: ____ Zip:_____ Telephone: _____ Fax: _____ E-Mail: **Restrained Person** Full Name: _____ Address (if known): City: _____ State: ____ Zip: ____ 3) Request to Renew Restraining Order I ask the court to renew the Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse (Form EA-130). A copy of the order is attached. a. The order ends on (date): b. This is my first request to renew the order. The order has been renewed ______ times already. five years permanently other (specify): c. I want the order to be renewed for d. I ask the court to renew the order because (explain below): ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 3d—Reasons to Renew Order" for a title. You may use Form MC-025, Attachment. I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. Date:

This is not a Court Order.

Sign your name

Type or print your name

| EA-/IV |
|--------|
|--------|

Notice of Hearing to Renew **Restraining Order**

Clerk stamps below when form is filed.

| DF | RAF | T | |
|-------|-----|-----|---|
| March | 30, | 201 | 1 |

1) Protected Elder or Dependent Adult Full Name: _____ Person requesting protection for the elder or dependent adult, if Not Approved by the different (person named in item (3) of Form EA-100): **Judicial Council** Full Name: Lawyer for person named above (*if any*): Name: _____ State Bar No.: _____ Court name and street address: Firm Name: Superior Court of California, County of Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Street Address: City: _____ State: ____ Zip: _____ **Case Number:** Telephone: ______Fax: ______ E-Mail: 2) Restrained Person Full Name: _____ Age: _____ Address (if known): City:______ State: _____ Zip:_____ Court Hearing The judge has set a court hearing date. *Court will fill in box below*. The current restraining orders stay in effect until the end of the hearing. Name and address of court if different from above: Hearing Date: _____ Time: _____ Dept.: ______ Room: _____

Service and Response

To the Person in 1

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

EA-700, Request to Renew Restraining Order;

EA-710, *Notice of Hearing to Renew Restraining Order* (this form);

EA-720, Response to Request to Renew Restraining Order (blank copy);

EA-130, the current Restraining Order After Hearing to Stop Elder or Dependent Adult Abuse for which renewal is requested.



| Case Number: |
|--------------|
| |
| |

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

To the Restrained Person:

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

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

| Date: | |
|-------|------------------|
| | Judicial Officer |



Requests for Accommodations

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

EA-720

Response to Request to Renew Restraining Order

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

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

Clerk stamps date here when form is filed.

DRAFT 7 BG March 30, 2011

Not Approved by the Judicial Council

| Protected Elder or Dependent Adult | Court name and street address: | | |
|--|--|--|--|
| Name: Person requesting protection for the elder or dependent adult, if different (person named in item 3) of Form EA-100): Name: | Superior Court of California, County of | | |
| Restrained Person | | | |
| Your Full Name: | Fill in case number: | | |
| Your Lawyer (if you have one): | Case Number: | | |
| Name: State Bar No.: | | | |
| Firm Name: | | | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.): | The court will consider your Response at the hearing. Write your hearing date, time, and place from Form EA-710 item 3 here. | | |
| Address: | Hearing Date: | | |
| City: State: Zip: | Time: | | |
| Telephone: Fax: | Dept.: Room: | | |
| E-Mail Address: | You must continue to obey the current | | |
| Response | restraining order until the hearing. At | | |
| | the hearing, the court can extend the order against you up to another three | | |
| a. I agree to extend the order. | years. | | |
| b. I do not agree to extend the order. | years. | | |
| c. \[\] I agree to the following order instead (specify below): \[\] Check here if there is not enough space for your answer. Atta "Attachment 3c—Order Requested" for a title. You may use | | | |
| d. ☐ I ask the court not to renew the order for the following reasons (specify below): ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 3d—Reasons Not to Renew" for a title. | | | |
| | | | |

| | Case Number: |
|---|--|
| Deter | |
| Lawyer's name, if you have one | Lawyer's signature |
| | |
| I declare under penalty of perjury under the correct. | e laws of the State of California that the information above is true and |
| Date: | > |
| Type or print your name | Sign your name |

EA-730

Order Renewing Restraining Order to Stop Elder or Dependent Adult Abuse

Clerk stamps date here when form is filed.

| DF | RAF | T | |
|-------|-----|-----|---|
| March | 30, | 201 | 1 |

| Protected Elder or Dependent Adult Full Name: | March 30, 2011 | |
|--|--|--|
| Person requesting protection for the elder or dependent adult, if different (person named in item 3) of Form EA-100): Full Name: | Not Approved by the Judicial Council | |
| Lawyer for person named above (if any): | | |
| Name: State Bar No.: | Fill in court name and street address: | |
| Firm Name: | _ Superior Court of California, County o | |
| Address for person named above (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.): | | |
| Address: | Fill in case number: Case Number: | |
| City: State: Zip: | | |
| | | |
| Telephone: Fax: | | |
| E-Mail Address: | _ | |
| Restrained Person | | |
| Full Name: | Age: | |
| Address (if known): City: | State: Zin: | |
| Hearing | Suite Exp | |
| There was a hearing on (date): at (time): a.m. (Name of judicial officer): These people were at the hearing: | made the orders at the hearing. | |
| a. The protected person c. The lawyer for the protected person | n (name): | |
| b. The restrained person d. The lawyer for the restrained perso | n (<i>name</i>): | |
| ☐ Additional persons present are listed on Form MC-025 Attachmen | at 3. | |
| Renewal and Expiration | | |
| The request to renew the attached <i>Restraining Order After Hearing to Sto</i> originally issued on <i>(date)</i> , is: | op Elder or Dependent Adult Abuse, | |
| a. DENIED. The attached order expires as stated in item (3) of the o | order. | |
| b. GRANTED. The attached order is renewed and will now expire or | | |
| | | |
| Time: a.m. p.m. or midnight on (| (date): | |
| If no expiration date is written here, the order expires three years above. | from the date of the hearing in item (3) | |
| Date: | | |
| Judicial Officer | | |

| | | $\overline{}$ | |
|-----------|-------|---------------|----|
| Λ | 1•1 | AT | 41 |
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Proof of Firearms Turned In or Sold

Clerk stamps date here when form is filed.

| Protected Elder or De | • | | DRAFT March 30, 2011 |
|--|--------|-------------|---|
| Restrained Person Your Full Name: | | | Not Approved by the Judicial Council |
| Your Lawyer (if you have o | ne): | | |
| Name: | Sta | te Bar No.: | _ |
| Firm Name: | | | Fill in court name and street address: |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep your home address private, you may give another address where you can receive mail. You do not have to give telephone, fax, and e-mail.): | | | Superior Court of California, County of |
| Address: | | | _ |
| City: | State: | _ Zip: | Fill in case number: Case Number: |
| Telephone: | Fax: | | _ |

To the Restrained Person:

E-Mail Address:____

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

| (4) | To Law Enforcement |
|------------|---|
|) | Fill out items 4 and 6 of this form. Ke |

copy and give the original to the person who turned in the firearms.

The firearms listed in **6**) were turned in on:

Date: _____ at: ___ \square a.m. \square p.m.

To: Name and title of law enforcement agent

Name of law enforcement agency

Address

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

Signature of law enforcement agent

5) **To Licensed Gun Dealer**

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

The firearms listed in **6**) were sold to me on:

Date: _____ at: ___ \square a.m. \square p.m.

Name of licensed gun dealer

License number Telephone

| | Make | Model | Serial Numbe |
|-----------------|---|-----------------------------------|---------------------------|
| a | | | |
| | | | _ |
| | | | - |
| | | | |
| d | | | _ |
| e | | | |
| | ck here if you turned in or sold more firearm Firearms Turned In or Sold" for a title. Inclu | | |
| Do you hav | ve, own, possess, or control any other firearm | ns besides the firearms listed in | 1 6 ? ☐ Yes ☐ No |
| - | vered yes, have you sold or transferred those <i>k one of the boxes below:</i> | other firearms? | □ No |
| a. 🗌 I file | ed a <i>Proof of Firearms Turned In or Sold</i> for | those firearms with the court | on (<i>date</i>): |
| b. 🗌 I am | filing the proof for those firearms along wit | th this proof. | , , |
| c. 🔲 I ha | ve not yet filed the proof for the other firearn | ms. (explain why not): | |
| | ck here if there is not enough space below fo t of paper and write "Attachment 7c" for a t | • | lete answer on an attach |
| | | | |
| | | | |
| | | | |
| | | | |
| I declare ui | nder penalty of perjury under the laws of the | State of California that the inf | Cormation above is true a |
| | p y p y y | | |
| correct. | | | |
| correct. Date: | | | |

Case Number:

EA-800-INFO

How Do I Turn In or Sell My Firearms?

(1) What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- · Assault weapon

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

- Turn it in to local law enforcement or
- Sell it to a licensed gun dealer

(3) How do I sell my firearm?

Find a licensed gun dealer in your area. Look under "Firearms Dealers" in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

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

5 If I turn my firearm in to law enforcement, how long will they keep it? Ask the law enforcement agency.

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

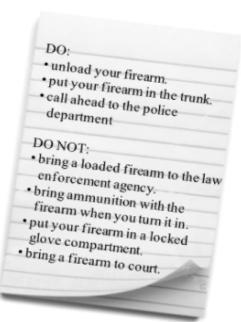
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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

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

8 Questions?

Call your local law enforcement agency: (insert local information here)





SV-100

Petition for Orders to Stop Private Postsecondary School Violence

Read How Do I Get an Order to Prohibit Private Postsecondary School Violence? (Form SV-100-INFO) before completing this form. Also fill out Form SV-102, Confidential CLETS Information, with as much information as you know.

| 1 Petitioner (Educational | Institution Officer or Emp | loyee) | Not Approved by the Judicial Council |
|--|--|--------------------|---|
| Name: | | | |
| is the chief administrative | e officer | | |
| 1 2 | designated by the chief to maintain order on the campus | | court name and street address: erior Court of California, County of |
| facility | | ' | • |
| of (name of private postsecond | dary educational institution): | | |
| and is filing this petition on be | chalf of the student in 2. | | |
| Lawyer for Petitioner (if any): | | Cour | t fills in case number when form is filed. |
| Name: | State Bar No.: | Cas | e Number: |
| Firm Name: | | | |
| Address: | , c | | |
| | _ | | |
| - | | | |
| E-mail Address: | | | |
| 2 Student in Need of Prot | ection (Protected Person | | |
| Full Name: | | | |
| Sex: M F Age:_ | | | |
| 3 Respondent (Person Fr | om Whom Protection Is S | ought) | |
| Full Name: | | Age | :: |
| Home Address (if known): | | | |
| City | | _ State: 7 | Zip: |
| 4 Additional Protected Po | ersons | | |
| a. Are you asking for protecti facility who are similarly in | ion for any family or household in need of protection? | nembers or any otl | ner students at the campus or |
| ☐ Yes ☐ No If yes, | list those persons below: | | |
| Full Name | <u>Sex</u> <u>A</u> | ge Household M | <u>Relationship to Student</u> |
| | | | |
| | | | No |

This is not a Court Order

Clerk stamps date here when form is filed.

DRAFT

March 30, 2011



| ☐ Additi | onal protected persons are listed in Att | achment 4a. | | |
|---|--|--|--|---------------------------------|
| b. Why do th | nese people need protection? (Explain) | : Respo | nse is stated in A | Attachment 4b. |
| Relationsh | ip of Student and Responden | t | | |
| a. How does | the student know the respondent? (Des | ccribe): Respo | nse is stated in A | Attachment 5a. |
| | nt is is not a current studer discipline the respondent. | | n any decision to | |
| Venue | | | | |
| a. The reb. The re | filing in this county? (Check all that a spondent lives in this county. espondent has caused physical or emotion (specify): | | ent in this count | y. |
| a. The reb. The rec. Other Other Coula. Has the street | espondent lives in this county. espondent has caused physical or emotion (specify): Int Cases adent or any of the persons named in (2) | onal injury to the stud | other court case | with the respondent? |
| a. The reb. The recc. Other | espondent lives in this county. espondent has caused physical or emotion (specify): Int Cases Indeed and of the persons named in (and of case) No If yes, check each kind of case | onal injury to the stud been involved in and see and indicate where | other court case | with the respondent? was filed: |
| a. The reb. The rec. Other Other Coula. Has the street | espondent lives in this county. espondent has caused physical or emotion (specify): Int Cases adent or any of the persons named in (2) | onal injury to the stud | other court case | with the respondent? was filed: |
| a. The reb. The recc. Other Course. Has the str | espondent lives in this county. espondent has caused physical or emotion (specify): Int Cases Indent or any of the persons named in Case No If yes, check each kind of case Kind of Case Postsecondary School Violence | onal injury to the stud been involved in and see and indicate where | other court case | with the respondent? was filed: |
| a. The reb. The recb. The recc. Other Other Coulons. Has the structure Yes | espondent lives in this county. espondent has caused physical or emotion (specify): Int Cases Indeed and the persons named in (and of Case) Postsecondary School Violence Civil Harassment | onal injury to the stud been involved in and see and indicate where | other court case | with the respondent? was filed: |
| a. ☐ The re b. ☐ The re c. ☐ Other Other Cou a. Has the str ☐ Yes (1) ☐ (2) ☐ (3) ☐ | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Undent or any of the persons named in Case No If yes, check each kind of case Kind of Case Postsecondary School Violence Civil Harassment Domestic Violence | onal injury to the stud been involved in and se and indicate where Filed in (County/Star | other court case and when each well are a second when each well are a second with the court case of the case of the court case of the court case of the case | with the respondent? was filed: |
| a. | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Interpolate and the persons named in Case Indicate and of the persons named in Case Indicate and Indic | onal injury to the stud been involved in and see and indicate where Filed in (County/State | other court case and when each which while each while | with the respondent? was filed: |
| a. | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Interpolation of the persons named in (and of Case) No If yes, check each kind of case Kind of Case Postsecondary School Violence Civil Harassment Domestic Violence Divorce, Nullity, Legal Separation Paternity, Parentage, Child Support | onal injury to the stud been involved in and se and indicate where Filed in (County/Star | other court case and when each which while each while | with the respondent? was filed: |
| a. ☐ The re b. ☐ The re c. ☐ Other Other Cou a. Has the str ☐ Yes (1) ☐ (2) ☐ (3) ☐ (4) ☐ (5) ☐ (6) ☐ | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Indent or any of the persons named in (and in the case) In No If yes, check each kind of case Postsecondary School Violence Civil Harassment Domestic Violence Divorce, Nullity, Legal Separation Paternity, Parentage, Child Support Elder or Dependent Adult Abuse | onal injury to the stud been involved in and see and indicate where Filed in (County/State | other court case and when each which while each while | with the respondent? was filed: |
| a. | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Interpolate and the persons named in Case Index of Case Interpolate and the persons named in Case | onal injury to the stud been involved in and see and indicate where Filed in (County/State | other court case and when each which while each while | with the respondent? was filed: |
| a. | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Interpolation of the persons named in (and of Case) No If yes, check each kind of case Postsecondary School Violence Civil Harassment Domestic Violence Divorce, Nullity, Legal Separation Paternity, Parentage, Child Support Elder or Dependent Adult Abuse Eviction Guardianship | onal injury to the stud been involved in and see and indicate where Filed in (County/State | other court case and when each which while each while | with the respondent? was filed: |
| a. | espondent lives in this county. espondent has caused physical or emotive (specify): Int Cases Interpolate and the persons named in Case Index of Case Interpolate and the persons named in Case | onal injury to the stud been involved in and see and indicate where Filed in (County/State | other court case and when each which while each while | with the respondent? |

Petition for Orders to Stop Private
Postsecondary School Violence
(Private Postsecondary School Violence Prevention)

| Description of Respondent's Conduct | |
|---|----|
| a. Respondent has (check one or more): | |
| (1) Assaulted, battered, or stalked the student | |
| (2) Made a credible threat of violence against the student by making knowing or willful statements or engaging in a course of conduct that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family | |
| b. One or more of these acts were made off the school campus or facility and can reasonably be understood (chec either or both): | :k |
| (1) To have been carried out at the school campus or facility | |
| (2) To be carried out in the future at the school campus or facility | |
| Address of campus or facility: | _ |
| | _ |
| c. Describe what happened. (Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses): | |
| Response is stated in Attachment 8c. | |
| | |
| | — |
| | |
| | _ |
| | |
| | — |
| | _ |
| | _ |
| | |
| | |
| | |
| d. Was the student harmed or injured? \(\subseteq \text{Yes} \subseteq \text{No} \subseteq \text{If yes, describe harm or injuries:} \) | |
| ☐ Response is stated in Attachment 8d. | |
| · | |
| | — |
| | |
| e. Did the respondent use or threaten to use a gun or any other weapon? \(\subseteq \text{ Yes} \subseteq \subseteq \text{No} \text{ If yes, describe} \) | • |
| Response is stated in Attachment 8e. | |
| | |
| | |
| This is not a Court Order. | |

Case Number:

Petition for Orders to Stop Private
Postsecondary School Violence
(Private Postsecondary School Violence Prevention)

Revised January 1, 2012

| | Case number: |
|----------|--|
| | |
| f. | For any of the incidents described above, did the police come? Yes No I don't know |
| | If yes, did the student or the respondent receive an Emergency Protective Order? Yes No I don't know If yes: The order protects (check all that apply): 1 The student (2) The respondent (3) One or more of the persons in 4 Attach a copy of the order if you have one. |
| Ch | eck the orders you want. ☑ |
| 9) 🗆 | Personal Conduct Orders |
| | sk the court to order the respondent not to do any of the following things to the student or to any person to be steeted listed in (4) : |
| a. | Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person. |
| b. | |
| c. | Follow or stalk the person during school hours or to or from the school campus or facility. |
| d. | Contact the person, directly or indirectly, by any means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means. |
| e. | ☐ Enter the person's school campus or facility. |
| f. | ☐ Take any action to obtain the person's address or location. |
| g. | Other (specify): |
| | |
| o) □ | Stay-Away Orders |
| a. | I ask the court to order the respondent to stay at least |
| b. | If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No If no, explain: Response is stated in Attachment 10b. |
| | This is not a Court Order. |

Petition for Orders to Stop Private
Postsecondary School Violence
(Private Postsecondary School Violence Prevention)

| 11 Firearms Prohibition and Relinquishment | |
|---|--|
| If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, or ammunition while the protective order in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control. | |
| Does the respondent own or possess any guns or other firearms? Yes No I don't know | |
| 12 Request for Immediate Orders Without Notice | |
| Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No If you answered yes, explain why: | |
| Response is stated in Attachment 12. | |
| | |
| | |
| You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.) If you want there to be fewer than five days between service and the hearing, explain why: Response is stated in Attachment 13. | |
| 14 No Fee for Filing I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked | |
| the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence. | |
| No Fee to Serve Orders I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking. | |
| 16 ☐ Court Costs I ask the court to order the respondent to pay my court costs. | |
| This is not a Court Order. | |

Case Number:

SV-100, Page 5 of 6

Revised January 1, 2012

| □ Additional Ondone Bonnacted | |
|---|---|
| ☐ Additional Orders Requested I ask the court to make the following additional orders (specific property). | acifoli: |
| - | |
| Additional orders requested are stated in Attachment 1 | 0. |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| Number of pages attached to this form, if any: | |
| Date: | |
| | |
| Lawyer's name (if any) | , , , |
| Lawyer's name (ij any) | Lawyer's signature |
| I declare under penalty of perjury under the laws of the State of | of California that the information above and or |
| attachments is true and correct. | of Camorina that the information above and of |
| Data | |
| Date: | |
| | |
| Name and title of person signing for petitioner | C: |
| I (4 (1 C1) C(1 (4) | Signature |
| I concent to the filing of this netition | Signature |
| I consent to the filing of this petition. | Signature |
| Date: | Signature |
| | Signature Signature |

Case Number:

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

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

What is a Private Postsecondary School Violence Protection Order?

Under California law (Code Civ., § 527.85), courts can make orders to protect a student from being subjected to credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student:
- · Contact or go near the student; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get this School Violence Protection Order?

The chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request court orders prohibiting credible threats of violence against a student. These orders must be requested by an officer of the institution that the student attends or is applying to.

- A "chief administrative officer" is the principal, president, or highest-ranking official of the private postsecondary educational institution.
- A "postsecondary educational institution" is a private institution of vocational, professional, or postsecondary education.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see Form CH-100-INFO, Can a Civil Harassment Restraining Order Help Me?.

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A "student" is an adult currently enrolled in or applying for admission to a private postsecondary educational institution
- The "respondent" is the person against whom the school official is requesting the protective order.

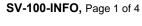
A school official may seek protection under this law if:

- 1. The student has suffered a credible threat of violence from any individual;
- 2. The credible threat of violence, while made off of the campus or facility, can reasonably be construed to be carried out or have been carried out at the school campus or facility;
- 3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
- 4. The respondent is not engaged in constitutionally protected activity.

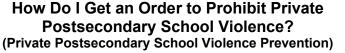
What forms must be used to get the order?

The following forms are needed to start the process:

- 1. Petition for Orders to Stop Private Postsecondary School Violence (Petition) (Form SV-100). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
- 2. *Confidential CLETS Information* (Form SV-102). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
- 3. *Notice of Court Hearing* (Form SV-109). This form tells the parties when the hearing on the petition will be held.
- 4. *Temporary Restraining Order* (**TRO**) (Form SV-110). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.









How Do I Get an Order to Prohibit Private Postsecondary School Violence?

5. Restraining Order After Hearing to Stop Private Postsecondary School Violence (Order) (Form SV-130). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* (Form SV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

All of these forms are available from the court clerk's office, from any law library, or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts website at www.courts.ca.gov/forms.

Do I need a lawyer?

The school official may be represented by a lawyer, but one is not required by law. Because the school official's lawyer will generally be representing the interests of the student, the student usually does not need his or her own lawyer. Whether or not the school official has an lawyer, the respondent may have one.

What steps are needed to get the court orders?

- 1. Fill in the **Petition** (Form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form SV-109). If you are seeking a **TRO**, also fill out Form SV-110.
- 2. If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form SV-100). You may use Form MC-031, *Attached Declaration*.
- 3. Fill in Form SV-102, *Confidential CLETS Information*, with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.

4. If you are applying for a **TRO**, fill out Form SV-110 completely. The Petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them;
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
- 5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form SV-109).
- 6. If you are seeking a **TRO** (Form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order.

Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.

Revised January 1, 2012 How Do I Get an Order to Prohibit Private

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

- 7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
 - If the court issues a TRO, it will last until the hearing date.
- 8. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
- 9. Have the respondent personally **served** with copies of the **Petition** (Form SV-100), the *Notice of Court Hearing* (Form SV-109), the **TRO** (Form SV-110) (if issued), a blank **Response** (Form SV-120), and a blank *Proof of Service of Response by Mail* (Form SV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for Form SV-200-INFO, *What Is* "*Proof of Personal Service*"?.

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form SV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

How Do I Get an Order to Prohibit Private Postsecondary School Violence?

11. Go to court on the date shown at item 4 on the *Notice* of *Court Hearing* (Form SV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

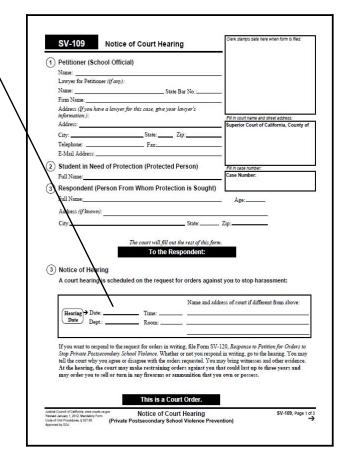
You can bring to the hearing:

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

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

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

- 12. If the judge signs the **Order** (Form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form SV-220, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.



- 15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.
- 16. The order can be enforced in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories. If the student moves out of California, have him or her contact the new local police so that they will know about the order.



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted.]

Revised January 1, 2012

SV-100-INFO, Page 4 of 4

CONFIDENTIAL

Not approved for use by the Judicial Council

SV-102

CLETS Information

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

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

| | Student to Be Protected (Name): | | | | |
|-----|---|-------------------------------|---------------|-----------|-------------------|
| | Sex: M F Height: Hair Color: Eye Color: | | | | |
| | Mailing address listed on restraining order) Vehicle (Type, model, year): | , , | • | - | e number [optiona |
| 1 | Vehicle License Number and State: | | | | |
|) F | Person to Be Restrained (Name): | | | | |
| | Sex: M F Height: | | | | |
| I | Hair Color: Eye Color: | Age: | _ Date of B | Birth: | |
| (| Residence address) | (City, state, zip) | (2 | Telephon | ne number) |
| (| Workplace) | (Occupation/title) | (1 | Work ho | urs) |
| (| Business address) | (City, state, zip) | (7 | Telephon | ne number) |
|] | Oriver's License Number and State: | Vehicle License | e Number and | d State:_ | |
| 1 | Vehicle (Type, model, year): | Socia | l Security N | umber:_ | |
|] | Describe any marks, scars, or tattoos: | | | | |
| | Other names used by the restrained person: _ | | | | |
|] | Guns or Firearms Describe any guns or firearms you believe the ocations): | e restrained person owns or l | nas access to | (number | r, types, and |
| | | | rth (| | |

| SV-109 | Notice of Court Hearing | Clerk stamps date here when form is filed. |
|----------------------------|---|--|
| 1 Petitioner | r (School Official) | DRAFT March 30, 2011 |
| Name: | | |
| | Petitioner (if any): | Not Approved by the |
| Name: | State Bar No.: | Judicial Council |
| Firm Name: | | |
| Address (If y information. | you have a lawyer for this case, give your lawyer's): | Fill in court name and street address: |
| Address: | | |
| | State: Zip: | |
| Telephone: | Fax: | |
| E-Mail Add | ress: | |
| 2 Student in | n Need of Protection (Protected Person) | Fill in case number: |
| Full Name:_ | | Case Number: |
| 3 Responde | ent (Person From Whom Protection is Soug | yht) |
| Full Name:_ | | Age: |
| Address (if i | known): | |
| City: | State: | Zip: |

The court will fill out the rest of this form.

To the Respondent:

(3) Notice of Hearing

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

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

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

| Temporary Restraining Orders as requested in Form SV-100, served with this notice.) a. Temporary Restraining Orders as requested in Form SV-100, Petition for Orders to Stop Private Postsecond School Violence, are (check only one box below); (1) | | |
|---|--|--|
| School Violence, are (check only one box below): (1) All GRANTED until the court hearing. (2) All DENIED until the court hearing. (Reasons for denial are specified in item 4b, below.) (3) Partly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in item 4b, below.) b. Reasons that Temporary Restraining Orders as requested in Form SV-100, Petition for Orders to Stop Private Postsecondary School Violence, for personal conduct or stay-away are denied are: (1) The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issue (2) Other (specify): As stated on Attachment 4b Service of Documents and Time for Service To the Petitioner: At leastdays before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court's file-stamped copy of this form to the respondent, along with a copy of all the forms indicated below: a. SV-100, Petition for Orders to Stop Private Postsecondary School Violence (file-stamped) b. SV-110, Temporary Restraining Order (file-stamped) IF GRANTED c. SV-120, Response to Petition for Orders to Stop Private Postsecondary School Violence (blank form) d. SV-120-INFO, How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence (c. SV-250, Proof of Service of Response by Mail (blank form) f. Other (specify): The court cannot grant restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your petition and any temporary orders. To show that the respondent has been serve the person who served the forms must fill out a proof of service form. Form SV-200, Proof of Personal Service "? For information about service, read Form SV-200-INFO, What Is "Proof of Personal Service"? | | |
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| (3) Partly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in item 4b, below.) b. Reasons that Temporary Restraining Orders as requested in Form SV-100, Petition for Orders to Stop Private Postsecondary School Violence, for personal conduct or stay-away are denied are: (1) The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issue (2) Other (specify): As stated on Attachment 4b Service of Documents and Time for Service To the Petitioner: At least | | - |
| Private Postsecondary School Violence, for personal conduct or stay-away are denied are: (1) | (3) | tly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in |
| suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issue (2) Other (specify): As stated on Attachment 4b | | |
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| d. SV-120-INFO, How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence? e. SV-250, Proof of Service of Response by Mail (blank form) f. Other (specify): | b. SV-110 |), Temporary Restraining Order (file-stamped) IF GRANTED |
| e. SV-250, <i>Proof of Service of Response by Mail</i> (blank form) f. Other (<i>specify</i>): | c. SV-120, Re | esponse to Petition for Orders to Stop Private Postsecondary School Violence (blank form) |
| f. Other (specify): | d. SV-120-IN | FO, How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence? |
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| given (served) a copy of your petition and any temporary orders. To show that the respondent has been served the person who served the forms must fill out a proof of service form. Form SV-200, <i>Proof of Personal Served</i> may be used. For information about service, read Form SV-200-INFO, <i>What Is "Proof of Personal Service"?</i>. If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use | f. D Other (| specify): |
| • If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use | given (serve the person way be used | ed) a copy of your petition and any temporary orders. To show that the respondent has been served who served the forms must fill out a proof of service form. Form SV-200, <i>Proof of Personal Servi</i> d. |
| | • If you are u | mable to serve the respondent in time, you may ask for more time to serve the documents. Use |

Case Number:

| Case Number: | | |
|--------------|--|--|
| | | |
| | | |

To the Respondent:

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

| Date: | |
|-------|------------------|
| | Judicial Officer |



Request for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: ______

Clerk, by _____, Deputy

| | SV-110 | Temporary Restra | ining Order | |
|-----------------------|--|--|------------------------------|---|
| 1 | Petitioner (Sc | hool Official) | | DRAFT 3 BG March 30, 2011 |
| | Lawyer for Petitic | | | Not Approved by the |
| | • | | State Bar No.: | |
| | Firm Name: | | | |
| | Address (If you he information.): | ave a lawyer for this case, giv | ve your lawyer's | |
| | Address: | | | Fill in court name and street address: Superior Court of California, County of |
| | | State: | | |
| | • | Fax: | - | |
| | • | | | |
| | Student (Drete | noted Darson) | | |
| 2) | Student (Prote | • | | Court fills in case number when form is filed. |
| _ | Full Name: | | | Case Number: |
| 3 | Respondent (I | Restrained Person) | | |
| | Full Name: | | | |
| | Description: | | | |
| | | | | |
| | Home Address | (if known): | | ge: Race: ate: Zip: |
| 4 | Home Address City: | (if known): | | |
| 4 | City: Additional | Protected Persons student, the following family | Sta | |
| 4 | Home Address City: Additional In addition to the temporary orders | Protected Persons student, the following family | or household meml | ate: Zip: |
| 4 | Home Address City: Additional In addition to the temporary orders | Protected Persons student, the following family indicated below: Full Name | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student |
| 4 | Additional In addition to the temporary orders | Protected Persons student, the following family indicated below: | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student |
| 4 | Home Address City: Additional In addition to the temporary orders | Protected Persons student, the following family indicated below: Full Name | or household mem | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| 4 | Home Address City: Additional In addition to the temporary orders | Protected Persons student, the following family indicated below: Full Name | or household mem | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| 4 | Home Address City: Additional In addition to the temporary orders | Protected Persons student, the following family indicated below: Full Name | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No Yes No Yes No Yes No |
| 4) | Home Address City: Additional In addition to the temporary orders Additional pr | Protected Persons student, the following family indicated below: Full Name otected persons are listed at t | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No Yes No Yes No Yes No |
| 4) 5) | Home Address City: Additional In addition to the temporary orders Additional pr Expiration Date | Protected Persons student, the following family indicated below: Full Name otected persons are listed at t | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No Yes No Yes No Yes No Yes No Attachment 4. |
| 4) | Home Address City: Additional In addition to the temporary orders Additional pr Expiration Date | Protected Persons student, the following family indicated below: Full Name otected persons are listed at t | or household members Sex Age | bers or other students are protected by the Household Member? Relation to Student Yes No Yes No Yes No Yes No Yes No Yes No Attachment 4. |

Temporary Restraining Order (CLETS-TSV) (Private Postsecondary School Violence Prevention)

SV-110, Page 1 of 5

| Case Number: | | |
|--------------|--|--|
| | | |

To the Respondent:

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

| | of up to \$1,000, or both. |
|----------|---|
| 6 | Personal Conduct Orders Not Requested Denied Granted as Follows: |
| | a. You are ordered not to do the following things to the student and to the other protected persons listed in 4 : |
| | (1) Assault, batter, or stalk the person. |
| | (2) Commit acts of violence or make threats of violence against the person. |
| | (3) Follow or stalk the person during school hours or to or from the school. |
| | (4) Contact the person, directly or indirectly, by any means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means. |
| | (5) Enter the person's school. |
| | (6) Take any action to obtain the person's addresses or locations. If this item 6 is not checked, the court has found good cause not to make this order. |
| | (7) Uther (specify): |
| | |
| | b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. |
| 7 | Stay-Away Order Not Requested Denied Granted as Follows: a. You must stay at least yards away from the student |
| | and from each other protected person listed in (4), and from the places listed below (Check all that apply): |
| | The student's residence The residences of the other protected persons |
| | The student's job or workplace The jobs or workplaces of the other protected persons |
| | The student's children's school or places of child care of the other protected persons' children |
| | The student's vehicle The vehicles of the other protected persons |
| | Other (specify): |
| | |
| 8 | b. This stay-away order does not prevent you from going to or from your home or place of employment. |
| o | Firearms Prohibition and Relinquishment a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other |
| | firearms, or ammunition. |
| | b. You must: |
| | (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order. |
| | (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (<i>You may use Form SV-800</i> , Proof of Firearms Turned In or Sold, <i>for the receipt.</i>) |
| | c. The court has received information that you own or possess a firearm. |
| | This is a Court Order. |

Temporary Restraining Order (CLETS-TSV) (Private Postsecondary School Violence Prevention)

| | | | | | | | | | | Cas | se I | Number: | | |
|-----|--------|------------|------------|------------|-----------|---------------|----------|--------|---------------|--------|-------------|---------------|------------------------------|---|
| 9 | Othe | er Orde | rs (spec | cify): | Not | Requeste | ed [| De | enied | |] | Granted as | Follows: | |
| | | | | | | | | | | | | | | |
| | ☐ Ad | dditional | orders a | re attacl | ned at th | ne end of th | is Ord | er on | Attachment | 9. | | | | |
| 10) | Mano | datory | Entry | of Ord | er Into | CARPO | S Thi | roug | h CLETS | | | | | |
| | This C | Order mu | ıst be en | tered int | o the Ca | alifornia Re | straini | ing an | | | | • | POS) through the | Э |
| | a. 🗌 | The cle | rk will e | enter this | s Order | and its pro | of-of-s | ervice | e form into C | CLET | S. | | | |
| | b. 🗌 | The cle | | ransmit | this Ord | ler and its p | roof-c | of-ser | vice form to | a law | en | forcement age | ncy to be entered | d |
| | c. 🗌 | deliver | | of the O | | | | | _ | | | _ | er's lawyer should be low to | |
| | | Name o | of Law I | Enforcen | nent Ag | ency | | Addı | ess (City, St | ate, Z | <u>(ip)</u> | | | |
| | | | | | | | _ | | | | | | | |
| | | Ad | ditional | law enfo | orcemer | nt agencies | are list | ted at | the end of th | is Or | der | on Attachmer | nt 10. | |
| 11 | No F | ee to S | erve (| Notify) | Restr | ained Pe | rson | | Ordered | | N | ot Ordered | | |
| | The sh | heriff or | marshal | will ser | ve this (| Order witho | ut cha | rge b | ecause: | | | | _ | |
| | a. 🗆 | The Or | der is ba | ased on a | a credib | le threat of | violen | ice or | stalking. | | | | | |
| | b. ∐ | The per | titioner i | is entitle | d to a fe | ee waiver. | | | | | | | | |
| 12 | Numb | per of pag | ges attac | hed to th | nis Orde | er, if any: _ | | | | | | | | |
| | Date: | | | | | | | | | | | | | |
| | | | | | | | Jud | licial | Officer | | | | | |
| | | | | | | | | | | | | | | |

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

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

| Case Nu | ımber: | | |
|---------|--------|--|--|
| | | | |
| | | | |

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form SV-109, *Notice of Court Hearing* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS), or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 5 on page 1.

| Cas | e Numb | er: | | |
|-----|--------|-----|--|--|
| | | | | |
| | | | | |

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| | (Clerk will fill out this part.) | |
|-------------------------------|--|---|
| | —Clerk's Certificate— | |
| Clerk's Certificate [seal] | I certify that this <i>Temporary Restraining</i> (original on file in the court. | Order is a true and correct copy of the |
| | Date: Clerk, by_ | , Deputy |

SV-115

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

| Petitioner (School Official) Name: State Bar No: | Fill in court name and street address: Superior Court of California, County of |
|---|---|
| Address (If you have a lawyer for this case, give your lawyer's information.): State: Zip: State: Zip: Fax: | Fill in court name and street address: Superior Court of California, County of |
| Tirm Name: | Fill in court name and street address: Superior Court of California, County o |
| Address (If you have a lawyer for this case, give your lawyer's information.): ttreet Address: City: State: Fax: | Fill in court name and street address: Superior Court of California, County o |
| Information.): Itreet Address: | Superior Court of California, County o |
| City: State: Zip: Celephone: Fax: | |
| City: State: Zip: Celephone: Fax: | |
| • | I |
| -Mail Address: | |
| | |
| tudent (Derson in Need of Protection) | Court fills in case number when form is filed. |
| Student (Person in Need of Protection) | Case Number: |
| 'ull Name: | |
| Respondent (Person From Whom Protection Is Sougl | ht) |
| full Name: | • |
| Address (if known): | |
| City: State | |
| nty State | c zip |
| Request to Continue Hearing and to Reissue Tempor | ary Restraining Order |
| ask the court to continue the hearing currently scheduled for (date): nd to reissue the attached <i>Temporary Restraining Order</i> (Form SV- | |
| . The attached order was issued on (date): without | out notice to the respondent. |
| . I could not get the order served before the hearing date for the re | • |
| ☐ below ☐ on the attached page | |
| . 0 | |
| | |
| | |
| . This is the first request to reissue the Order. | |
| ☐ The Order has been previously reissued times. | |
| | |
| declare under penalty of perjury under the laws of the State of Californect. | fornia that the information above is true and |
| Oate: | |
| k | |
| | |

SV-116

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

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

| State: Fax: om Protect | Zip: | ought) | Fill in court name and street address: Superior Court of California, County of |
|----------------------------------|--|--|---|
| State: Fax: om Protect | Zip: | ought) | Superior Court of California, County of Court fills in case number when form is filed. |
| State: Fax: om Protect | Zip: | ought) | Court fills in case number when form is filed. |
| om Protect | tion Is S | ought) | Court fills in case number when form is filed. |
| om Protec | tion Is S | ought) | Court fills in case number when form is filed. |
| om Protect | tion Is S | ought) | |
| om Protec | tion Is S | • , | |
| om Protec | tion Is S | • , | Case Number: |
| | | • , | _ |
| | | | _ |
| | | | |
| | | | |
| or (date) | | | at (time) |
| could not be se agreed to pos | erved beforestpone the h | e the curre | ent hearing date. d ask for a new hearing date. |
| training Or | volo v | | |
| • | | | |
| | | NIED. | |
| y restraining o | order is GF | RANTED. | |
| | | | |
| order expires a | at the end o | f the heari | ng now scheduled for: |
| Time: |): | | ☐ a.m. ☐ p.m. |
| t > 1 t | ould not be sagreed to postated be | ould not be served before agreed to postpone the hatted below on training Order was issued in this case. By restraining order is GR ining Order (Form SV-1) arder expires at the end or Time: | • |

| Case Number: | | |
|--------------|--|--|
| | | |

Warning and Notice to the Respondent

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

8 Order for Continuance and Notice of Hearing

The court hearing on the *Petition for Orders to Stop Private Postsecondary School Violence* (Form SV-100) is continued and rescheduled:

Clerk will fill out section below.

| | | | | . Section determ |
|--------|--------------|-----------------|---|--|
| Hea | | | | Name and address of court if different from above: |
| a. 🗆 | the oth | ner documents | requesting orders to sto | respondent at least days before the hearing, along with p workplace violence. If reissuance is denied in item 6b on g Order (form SV-110) must NOT be attached and served. |
| b. 🗆 | | _ | f this Order is required b nd both were given a sign | because both parties were present at the initial hearing ned copy of this Order. |
| Entr | y of Or | der Into C | ARPOS Through Cl | LETS |
| Califo | ornia Res | straining and l | C | ed (item 6c is checked), this Order must be entered into the n (CARPOS) through the California Law Enforcement): |
| a. 🗌 | The cl | lerk will enter | this Order and its proof- | -of-service form into CLETS. |
| b. 🗌 | | lerk will trans | mit this Order and its pro | pof-of-service form to a law enforcement agency to be entered |
| c. | delive | | | s Order is made, the employer or the employer's lawyer should service form to the law enforcement agency listed below to |
| | Name | of Law Enfor | cement Agency | Address (City, State, Zip) |
| |] Additi | ional law enfo | rcement agencies are lis | ted at the end of this Order in Attachment 9. |

This is a Court Order.

9

| | | Case Number: |
|-----|--|-----------------|
| 10) | No Fee to Serve (Notify) Respondent ☐ Ordered The sheriff or marshal will serve this Order without charge because: a. ☐ The Order is based on a credible threat of violence or stalking. b. ☐ The petitioner is entitled to a fee waiver. | I □ Not Ordered |
|] | Date: | |



Requests for Accommodations

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

> (Clerk will fill out this part.) -Clerk's Certificate-

Clerk's Certificate [seal]

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

Date: _____

Clerk, by _______, Deputy

How Can I Respond to a Petition for Orders to Stop **Private Postsecondary School Violence?**

What is a school violence protective order?

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

What does the order do?

The court can order you to:

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

Who can ask for a school violence protective order?

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

I've been served with a petition to stop private postsecondary school violence. What do I do now?

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

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

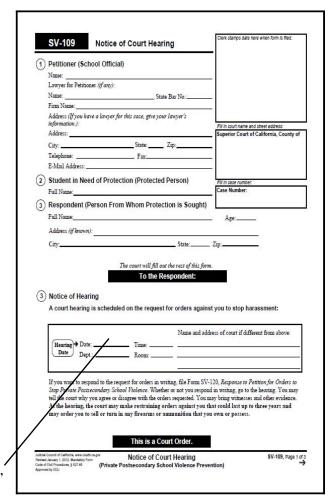
Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form SV-120 to the person named in item 1 of the petition Form SV-100 (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

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



How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?

How long does the order last?

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

Do I need a lawyer?

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

Will I see the student at the court hearing?

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or his or her lawyer says you can.

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

Can I agree with the student to cancel the order?

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

What if I am deaf or hard of hearing?



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted]

SV-130

Restraining Order After Hearing to Stop Private Postsecondary School Violence

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

| Petitioner (Education | | y c c , |
|---|---|---|
| Name: | | Not Approved by the |
| Lawyer for Petitioner (if an | y): | Judicial Council |
| Name: | State Bar No.: | |
| Firm Name: | | |
| Address (<i>If you have a lawy information</i> .): | er for this case, give your lawyer's | Fill in court name and street address: |
| , | | Superior Court of California, County |
| | Ctata: 7i | |
| • | State: Zip: | |
| • | Fax: | |
| E-Mail Address: | | Court fills in case number when form is filed. |
| Student (Protected Pe | erson) | Case Number: |
| • | , | |
| | | |
| Description: | | |
| Description: Sex: M F Height | ht: Weight: | Date of Birth: |
| Description: Sex: M F Heig Hair Color: | ht: Weight: A | Date of Birth: ge: Race: |
| Description: Sex: M F Heig Hair Color: Home Address (if known) | ht: Weight: A | Date of Birth: ge: Race: |
| Description: Sex: M F Heig Hair Color: Home Address (if known) | ht: Weight: A | Date of Birth: ge: Race: |
| Description: Sex: M F Heig Hair Color: Home Address (if known) | ht: Weight: A, | Date of Birth: ge: Race: |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude. | ht: Weight: And the following family or household not be a second and the family or household not be a second and the family or household not be a second and the family of the family or household not be a second and the family of the family or household not be a second and the family of the family of the family or household not be a second and the family of the famil | Date of Birth: ge: Race: State: Zip: |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: | ht: Weight: A Eye Color: A ed Persons nt, the following family or household n | Date of Birth: ge: Race: State: Zip: |
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| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: | ht: Weight: A Eye Color: A ed Persons nt, the following family or household n | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: Full Name | ht: Weight: A | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: Full Name Additional protected per | ht: Weight: A Eye Color: A ed Persons nt, the following family or household n | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: Full Name Additional protected per Expiration Date | ht: Weight: A | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| Description: Sex: M F Heig Hair Color: Home Address (if known) City: Additional Protect In addition to the stude orders indicated below: Full Name Additional protected per | ht: Weight: A | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student Yes No Yes No |
| Description: Sex: | ed Persons nt, the following family or household ne Sex Age ersons are listed at the end of this Order | Date of Birth: ge: Race: State: Zip: members or other students are protected by the Household Member? Relation to Student Yes No Yes No |

| 6 | Hearir | ng | |
|---|-------------------|---|---|
| | a. The | ere was a hearingon (date): at (time): | in Dept.: Room: |
| | | me of judicial officer): | |
| | b. The | se people were at the hearing: | |
| | (1) | ☐ The petitioner/school represented by (name): | |
| | (2) | The lawyer for the petitioner/school (name): | |
| | (3) | \square The student (4) \square The lawyer for the student (name) | : <u> </u> |
| | (5) | \square The respondent (6) \square The lawyer for the respondent (na | me): |
| | | Additional persons present are listed at the end of this Order on Att | achment 6. |
| | c. 🔲 🛚 | The hearing is continued. The parties must return to court on (date) | : at (time): |
| | | To the Respondent | |
| | The co | ourt has granted the orders checked below. If you do not | obov those orders you can be |
| | | ed and charged with a crime. You may be sent to jail for | |
| | to \$1,0 | 000, or both. | |
| 7 | | rsonal Conduct Orders | |
| | a. You | are ordered not to do the following things to the student and to the other protected persons listed in (4): | |
| | (1) | Assault, batter, or stalk the person. | |
| | (2) | Commit acts of violence or make threats of violence against t | he person. |
| | (3) | Follow or stalk the person during school hours or to or from t | <u> </u> |
| | (4) | Contact the person, directly or indirectly, by any means, included | uding but not limited to, in person, by |
| | (5) | telephone, in writing, by public or private mail, by e-mail, by | fax, or by other electronic means. |
| | $\frac{(5)}{(6)}$ | Enter the person's school.Take any action to obtain the person's addresses or locations. | If this item is not checked, the court has |
| | (0) | found good cause not to make this order. | in this near is not encoured, the court has |
| | (7) | Other (specify): | |
| | () | ceful written contact through a lawyer or a process server or other p | person for service of legal papers related |
| | to a | court case is allowed and does not violate this order. | |
| 8 | ☐ Sta | y-Away Order | |
| | a. You | a must stay at least yards away from the student | |
| | Па | and from each other protected person listed in 4 and from the place | es listed below (check all that apply): |
| | | \square The student's residence \square The residences of the ot | ther protected persons |
| | | | of the other protected persons |
| | | | f child care of the other protected |
| | | or place of child care persons' children. The student's vehicle The vehicles of the other | er protected persons |
| | | Other (specify): | |
| | | This is a Court Order. | |

| | Case Number: |
|---|--|
| b. This stay-away order does not pre | event you from going to or from your home or place of employment. |
| other firearms, or ammunition. b. If you have not already done so, y (1) Sell to a licensed gun dealer of immediate possession or cont (2) File a receipt with the court w | buy or try to buy, receive or try to receive, or in any other way get guns, |
| • | nation that you own or possess a firearm. |
| You must pay the following amounts Item Additional items and amounts | for costs to the petitioner: Amount S S S S S S S S S S S S S S S S S S |
| 11 Other Orders (specify): | |
| | |
| Additional orders are attached at | the end of this Order on Attachment 11. |
| California Law Enforcement Telecon | o CARPOS Through CLETS California Restraining and Protective Orders System (CARPOS) through the inmunications System (CLETS). (Check one): r and its proof-of-service form into CLETS. |
| b. The clerk will transmit this Or into CLETS. | rder and its proof-of-service form to a law enforcement agency to be entered |
| c. By the close of business on th | e date that this Order is made, you or your lawyer should deliver a copy of |

This is a Court Order.

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS.

Address (City, State, Zip)

Name of Law Enforcement Agency

| 13) | Service of Order on Respondent |
|-----|---|
| | a. Both the respondent and the employee attended the hearing. No other proof of service is needed. |
| | b. The respondent did not attend the hearing. |
| | (1) Proof of service of Form SV-110, <i>Temporary Restraining Order</i> , was presented to the court. The judge's orders in this form are the same as in Form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail. |
| | (2) The judge's orders in this form are different from the temporary restraining orders in Form SV-110. Someone—but not the petitioner or anyone protected by this Order— must personally serve a copy of this order on the respondent. |
| 14) | □ No Fee to Serve (Notify) Restrained Person |
| | The sheriff or marshal will serve this Order without charge because: |
| | a. \square The Order is based on actual violence, a credible threat of violence, or stalking. |
| | b. The petitioner is entitled to a fee waiver. |
| 15) | Number of pages attached to this Order, if any: |
| | Date: |

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item **9**. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this Order are subject to criminal penalties.

This is a Court Order.

| Case | Numbe | r: | | |
|------|-------|----|--|--|
| | | | | |
| | | | | |

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature above and *ends* on the expiration date in item 5.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| | (0 | Clerk will fill out this part.) | |
|---------------------|-------|--|----------|
| Clerk's Certificate | _ | -Clerk's Certificate— | |
| [seal] | • | s Restraining Order After Hearing to St e and correct copy of the original on fil | • |
| | Date: | Clerk, by | , Deputy |

This is a Court Order.

What is "Service"?

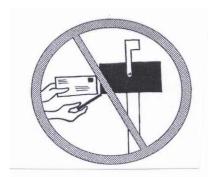
Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person" service. The *Petition for Orders to Stop Private**Postsecondary School Violence* (Form SV-100), the Notice of Court Hearing (Form SV-109),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

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

The server must:

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

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

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

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

How to serve

Ask the server to:

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

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

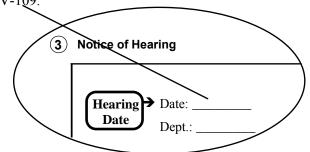
- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

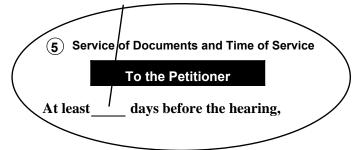
When do the orders have to be served?

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

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

Next, look at the number of days written in item **(5)** on page 2 of Form SV-109.





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

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

Who signs the Proof of Personal Service?

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

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

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

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

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

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

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

SV-260

Proof of Service of Order After Hearing by Mail

You may serve Form SV-130, Restraining Order After Hearing to Stop Private Postsecondary School Violence, on the respondent by mail if the respondent was not at the hearing and:

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

| Petitioner (Educational Institution Name: | | | | | |
|---|---|--|--|--|--|
| Student (Protected Person) Name: | | | | | |
| Respondent (Restrained Person | Case Number: | | | | |
| • | OF SERVICE BY MAIL | | | | |
| | esident of or employed in the county where the mailing took place. I am son listed in item 4 of Form SV-130. I mailed the respondent a copy | | | | |
| | er Hearing to Stop Private Postsecondary School Violence | | | | |
| I placed copies of the documents above in | I placed copies of the documents above in a sealed envelope and mailed them as described below: | | | | |
| | State: b. On (date): | | | | |
| c. To this address: | | | | | |
| City: | State: Zip: | | | | |
| Server's Information | | | | | |
| | Telephone: | | | | |
| Address: | | | | | |
| City: | State: Zip: | | | | |
| (If you are a registered process server): | • | | | | |
| | Registration number: | | | | |
| | the laws of the State of California that the information above is true and | | | | |
| Date: | | | | | |
| Type or print server's name | Server to sign here | | | | |

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the

Judicial Council

Superior Court of California, County of

Fill in court name and street address:

| SV-700 | Request to Renew Restrain Order | Clerk stamps below when form is filed. | | | | |
|---|---|--|--|--|--|--|
| | chool Official) | DRAFT March 30, 2011 | | | | |
| Lawyer for Petit Name: Firm Name: | | Not Approved by the Judicial Council | | | | |
| information.): | ave a lawyer for this case, give your lawye | | | | | |
| Street Address: | | Court name and street address: Superior Court of California, County | | | | |
| City: | State: Zip: _ | 1 . | | | | |
| Telephone: | Fax: | | | | | |
| E-Mail: | | | | | | |
| Student (Pro | tected Person) | | | | | |
| • | • | Fill in case number: | | | | |
| ruii Name: | | Case Number: | | | | |
| Respondent | (Restrained Person) | | | | | |
| Full Name: | | Age: | | | | |
| Address (if know | vn): | | | | | |
| | | | | | | |
| Request to R | Request to Renew Restraining Order | | | | | |
| | I ask the court to renew the <i>Restraining Order After Hearing to Stop Private Postsecondary School Violence</i> (Form SV-130). A copy of the order is attached. | | | | | |
| a. The order ends on (<i>date</i>): | | | | | | |
| | b. This is my first request to renew the order. | | | | | |
| ☐ The order | ☐ The order has been renewed times already. | | | | | |
| c. I want the order to be renewed for three years other (specify): | | | | | | |
| d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d. | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| - | · . | | | | | |
| I declare under pand correct. | penalty of perjury under the laws of the State | e of California that the information above is true | | | | |
| Date: | | | | | | |
| - | | | | | | |
| | <u> </u> | | | | | |

This is not a Court Order.

| | Restrai | ning Order | | | |
|-----|---|--|---|--|--|
| 1 | Petitioner (School Offic | • | DRAFT March 30, 2011 | | |
| | Lawyer for Petitioner (if any) | | Not Approved by the | | |
| | | State Bar No.: | Not Approved by the Judicial Council | | |
| | | | | | |
| | Address (If you have a lawyer information.): | | | | |
| | Street Address: | Court name and street address: | | | |
| | | State: Zip: | Superior Court of Camornia, County of | | |
| | Telephone: | Fax: | | | |
| | E-Mail: | | | | |
| (2) | Student (Protected Pers | 201 | | | |
| (2) | Student (Protected Pers | • | Fill in case number: | | |
| | run Name: | | Case Number: | | |
| (3) | Respondent (Restraine | | | | |
| | Full Name: | | Age: | | |
| | | | | | |
| | | Sta | | | |
| 4 | Court Hearing The judge has set a court hearing date. Court will fill in box below. | | | | |
| | The current restraining o | orders stay in effect until the end of | f the hearing. e and address of court if different from above: | | |
| | Hearing Date: | Time: | | | |
| | Date Dept.: | _ | | | |
| | | | | | |
| 5 | Service and Response | To the Petitioner | | | |
| | _ | t you or anyone else protected by to on the respondent at least | he restraining order—must personally "serve" days before the hearing. | | |
| | • SV-700, Request to Rene | w Restraining Order; | | | |
| | | ng to Renew Restraining Order (this | | | |
| | | uest to Renew Restraining Order (bl | | | |
| | • SV-130, the current <i>Restr</i> | raining Order After Hearing to Stop | Private Postsecondary School Violence for | | |

SV- 710 Notice of Hearing to Renew

This is a Court Order.

which renewal is requested.

Clerk stamps below when form is filed.

| Case Number: | |
|--------------|--|
| | |

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

To the Respondent:

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

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

| Date: | |
|-------|----------------------|
| | Judicial Officer |



Requests for Accommodations

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

This is a Court Order.

SV-720

Response to Request to Renew Restraining Order

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

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

Clerk stamps date here when form is filed.

DRAFT 2 BG March 30, 2011

Not Approved by the Judicial Council

| Petitioner (School Official) | |
|---|--|
| Name: | Court name and street address: |
| Student (Protected Person) Name: | Superior Court of California, County of |
| Respondent (Restrained Person) | |
| Your Full Name: | |
| Your Lawyer (if you have one): | Fill in case number: Case Number: |
| Name: State Bar No.: | |
| Firm Name: | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): Address: | The court will consider your Response at the hearing. Write your hearing date, time, and place from Form SV-710 item 4 here. |
| City: State: Zip: | Hearing > Date: |
| Telephone: Fax: | Time: |
| E-Mail Address: | Dept.: Room: |
| | You must continue to obey the current |
| Response | restraining order until the hearing. At |
| a. I agree to extend the order. | the hearing, the court can extend the |
| b. I do not agree to extend the order. | order against you up to another three |
| c. I agree to the following order instead (specify below): | years. |
| ☐ Check here if there is not enough space for your answer. Atta 3c—Order Requested" for a title. You may use Form MC-02 | |
| d. I ask the court not to renew the order for the following reasons (| |
| ☐ Check here if there is not enough space for your answer. Put sheet of paper or Form MC-025 and write "Attachment 3d— | |
| | |
| | |
| | |
| | |

| | Case Number: |
|---|--|
| | |
| | |
| Date: | |
| | <u> </u> |
| Lawyer's name, if you have one | Lawyer's signature |
| | |
| I declare under penalty of perjury under the law correct. | ws of the State of California that the information above is true and |
| Date: | |
| | • |
| Type or print your name | Sign your name |

SV-730

Order Renewing Restraining Order to Stop Private Postsecondary School Violence

Clerk stamps date here when form is filed.

| DRAFT March 30, 2011 Not Approved by the Judicial Council |
|--|
| II in court name and street address: |
| uperior Court of California, County of |
| ll in case number: |
| ase Number: |
| Age: |

| 1 | Petitioner (School Official) Name: | DRAFT March 30, 2011 |
|-------------|--|---|
| | Lawyer for Petitioner (if any): | Not Approved by the |
| | Name: State Bar No.: | Judicial Council |
| | Firm Name: | |
| | Address (If you have a lawyer for this case, give your lawyer's information.): | Fill in court name and street address: |
| | Street Address: | Superior Court of California, County of |
| | | |
| | City: State: Zip: | |
| | Telephone: Fax: | |
| | E-Mail Address: | E'' |
| (2) | Student (Protected Person) | Fill in case number: Case Number: |
| | Full Name: | |
| 3 | Respondent (Restrained Person) | |
| | Full Name: | Age: |
| | Address (if known): | |
| | City: State: Zij | p: |
| 4 | Hearing | |
| \cdot | There was a hearing (date): at (time): a.m.[| □ p.m.□ Dept. <u>:</u> Room <u>:</u> |
| | (Name of judicial officer): | - |
| | These people were at the hearing: | |
| | a. \square The petitioner c. \square The lawyer for the petitioner (name) | : |
| | b. \square The respondent d. \square The lawyer for the respondent (name | 2): |
| | ☐ Additional persons present are listed on Form MC-025 Attachment | 4. |
| (5) | Renewal and Expiration | |
| | The request to renew the attached <i>Restraining Order After Hearing to Sto</i> originally issued on <i>(date)</i> , is: | p Private Postsecondary School Violence |
| | a. DENIED. The attached order expires as stated in item 3 of the order. | der. |
| | b. GRANTED. The attached order is renewed and will now expire on | : |
| | Time: a.m p.m. or midnight on (da | te): |
| | If no expiration date is written here, the order expires three years frabove. | om the date of the hearing in item 3, |

Judicial Officer

This is a Court Order.

Not approved for use by the Judicial Council

SV-800-INFO

How Do I Turn In or Sell My Firearms?

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- · Assault weapon

(2) If you own or have a firearm you must:

- Turn it in to local law enforcement or
- Sell it to a licensed gun dealer

(3) How do I sell my firearm?

Find a licensed gun dealer in your area.

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

4 How do I take my firearm to law enforcement?

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

(5) If I turn my firearm in to law enforcement, how long will they keep it? Ask the law enforcement agency.

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

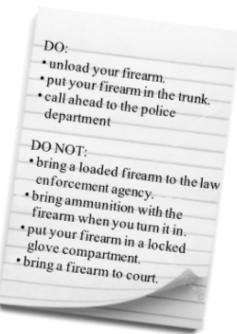
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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

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

8 Questions?

Call your local law enforcement agency: (insert local information here)



WV-100

Petition for Orders to Stop Workplace Violence

Read How Do I Get an Order to Prohibit Workplace Violence (Form WV-100-INFO) before completing this form. NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8. Also fill out Form WV-102, Confidential

CLETS Information, with as much information as you know.

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the **Judicial Council**

| 1) Petitioner (Employ | er) | | |
|----------------------------------|---|---------------------------------|--|
| Name: | | | |
| is a corporation | sole proprietorship | | Fill in court name and street address: |
| \Box other (<i>specify</i>): | | | Superior Court of California, County of |
| and is filing this suit on | behalf of the employee id |). | |
| Lawyer for Petitioner (if | Cany): | | |
| Name: | Sta | | |
| Firm Name: | | | |
| | the petitioner has a lawye | r, give the lawyer's | Court fills in case number when form is filed. |
| address, telephone, fax, | , | | Case Number: |
| | | | |
| | State: | _ | |
| Telephone: | Fax: | | |
| E-mail Address: | | | |
| 2 Employee in Need | of Protection (Prote | cted Person) | |
| Full Name: | | | |
| Sex:□ M □ F | Age: | | |
| | - W | | |
| | on From Whom Prot | _ | • |
| | | | Age: |
| | | | |
| City: | | State: | Zip: |
| 4) Additional Protecte | ed Persons | | |
| | protection for any family of a ployee's workplace or at | | bers of the employee or for any other of the petitioner? |
| □ Yes □ No | If yes, list those persons b | velow. | |
| | Name 1 | | Household Member? Relationship to Employee |
| <u>1 un</u> | <u>ivame</u> | <u>ben</u> <u>rige</u> <u>-</u> | ☐ Yes ☐ No |
| | | | |
| | | | Yes No |
| | | | |
| ☐ Additional protected | ed persons are listed in At | tachment 4a. | |

This is not a Court Order.

| b. Why do these people need protection? (Explanting Response is stated in Attachment 4b. | in): | | |
|---|---|-----------------|---|
| Relationship of Employee and Respon a. How does the employee know the respondent | | se is stated in | Attachment 5a. |
| b. Respondent is is not a current emp or otherwise discipline the respondent.) | | | on to retain, termina Attachment 5b. |
| Venue Why are you filing in this county? (<i>Check all that</i>) | t apply): | | |
| a. | | | <u> </u> |
| b. ☐ The respondent has caused physical or enc. ☐ Other (specify): Other Court Cases a. Has the petitioner or the employee or any of the with the respondent? Yes ☐ No If yes, checked. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. The respondent has caused physical or enc. Other (specify): Other Court Cases a. Has the petitioner or the employee or any of the with the respondent? Yes No If yes, check Kind of Case | ne persons named in 4 be | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |
| b. | ne persons named in \bigcirc be ck each kind of case and in | en involved i | in another court case |

| D | escription of Respondent's Conduct | | | | | |
|----|---|--|--|--|--|--|
| a. | Respondent has (check one or more): (1) Assaulted, battered, or stalked the employee | | | | | |
| | (2) Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family | | | | | |
| b | One or more of these acts (check either or both): | | | | | |
| | (1) Took place at the employee's workplace | | | | | |
| | (2) Can reasonably be construed to be carried out in the future at the employee's workplace | | | | | |
| | Address of workplace: | | | | | |
| c. | Describe what happened. (Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses): | | | | | |
| | Response is stated in Attachment 8c. | | | | | |
| | | | | | | |
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| | | | | | | |
| d | Was the employee harmed or injured? \square Yes \square No If yes, describe harm or injuries: | | | | | |
| | Response is stated in Attachment 8d. | | | | | |
| | Tesponse is stated in Attachment ou. | | | | | |
| | | | | | | |
| | | | | | | |
| e. | Did the respondent use or threaten to use a gun or any other weapon? Yes No If yes, describ | | | | | |
| | Response is stated in Attachment 8e. | | | | | |
| | response is stated in retractment see. | | | | | |
| | | | | | | |

Petition for Orders to Stop Workplace Violence (Workplace Violence Prevention)

| | | | Case Number: | | | |
|-----|---|--|---|--|--|--|
| | | | | | | |
| | f. | For a | any of the incidents described above, did the police come? Yes No I don't know | | | |
| | | If yes, did the employee or the respondent receive an Emergency Protective Order? | | | | |
| | | ☐ Yes ☐ No ☐ I don't know If yes: The order protects (check all that apply): (1) ☐ The employee (2) ☐ The respondent (3) ☐ One or more of the persons in ④ | | | | |
| | | | | | | |
| | | | | | | |
| | | Atta | ch a copy of the order if you have one. | | | |
| | Cł | neck | the orders you want ☑ | | | |
| 9 | | | sonal Conduct Orders | | | |
| | | | the court to order the respondent not to do any of the following things to the employee or to any person to rotected listed in (4): | | | |
| | a. | | Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person. | | | |
| | b. | | Commit acts of unlawful violence on or make threats of violence to the person. | | | |
| | c. | | Follow or stalk the person during work hours or to or from the place of work. | | | |
| | d. Contact the person, directly or indirectly, by any means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fa or by other electronic means. | | | | | |
| | e. | | Enter the person's workplace. | | | |
| | f. | | Take any action to obtain the person's address or location. | | | |
| | g. | Ц | Other (specify): | | | |
| | | | | | | |
| 10) | | Sta | y-Away Orders | | | |
| | a. | | the court to order the respondent to stay at least yards away from the employee | | | |
| | | | from each other person to be protected listed in (4) and from the places listed below (check all that apply): | | | |
| | | | The employee's residence The residences of the other persons to be protected | | | |
| | | | The employee's job or workplace The jobs or workplaces of the other persons to be protected | | | |
| | ☐ The school or place of child care of the children of the employee's children of the employee's children | | | | | |
| | | | ☐ The employee's vehicle ☐ The vehicles of the other persons to be protected | | | |
| | | | Other (specify): | | | |
| | | | | | | |
| | b. | | e court orders the respondent to stay away from all the places listed above, will he or she still be able to | | | |
| | | • | o his or her home, school, or job? Yes No If no, explain: | | | |
| | | Ц | Response is stated in Attachment 10b. | | | |
| | | | | | | |
| | | | | | | |
| | | | This is not a Court Order. | | | |

| | Case Number: |
|---|--|
| | |
| Firearms Prohibition and Relinqu | ishment |
| receiving, or attempting to purchase or rec | respondent will be prohibited from owning, possessing, purchasing, ceive a gun, other firearm, and ammunition while the protective order is red to turn in to law enforcement or sell to a gun dealer any guns or ession or control. |
| Does the respondent own or possess any gu | uns or other firearms? |
| Request for Immediate Orders W | ithout Notice |
| | e orders now that will last until the hearing without notice to the nswered yes, explain why: |
| Response is stated in Attachment 12. | |
| | |
| | |
| | |
| | |
| WV-200, Proof of Personal Service, may be | orm WV-200-INFO explains what is proof of personal service. Form e used to show the court that the papers have been served.) s between service and the hearing, explain why: |
| | |
| | |
| 4) D No Fee for Filing | |
| | the respondent has inflicted or threatened violence against the acted or spoken in a manner that has placed the employee in |
| S ☐ No Fee to Serve Orders | |
| | rishal to serve the respondent with the orders for free because this violence, a credible threat of violence, or stalking. |
| G □ Court Costs | |
| I ask the court to order the respondent to pa | y my court costs. |
| This is | not a Court Order. |

| ☐ Additional Orders Requested | |
|--|--------------------|
| _ | orders (anacifu) |
| I ask the court to make the following additional | |
| ☐ Additional orders requested are stated in At | tachment 16. |
| | |
| | |
| | |
| | |
| N. 1. C | |
| Number of pages attached to this form, if any: | |
| Number of pages attached to this form, if any: Date: | |
| | |
| | <u> </u> |
| | Lawyer's signature |
| Date: | <u> </u> |
| Date: | <u> </u> |
| Date: | Lawyer's signature |
| Date: Lawyer's name (if any) I declare under penalty of perjury under the laws o | Lawyer's signature |

This is not a Court Order.

Not approved for use by the Judicial Council

WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

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

What is a "workplace violence protective order"?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of "employer" as defined above.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders themselves. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see Form CH-100-INFO, Can a Civil Harassment Restraining Order Help Me?.

Who can an employer protect under this law?

Under this statute, an employer can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee's workplace or at other workplaces of the employer.

California law defines "employees" as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.

The "respondent" is the person against whom the employer is requesting the protective order.

An employer may seek protection under this law if:

- 1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
- 2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
- 3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
- 4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

- 1. Petition for Orders to Stop Workplace Violence (Petition) (Form WV-100). This form tells the judge the facts of the petitioner's case and what orders the petitioner and employee want the court to make.
- 2. Confidential CLETS Information (Form WV-102). This form will provide law enforcement agencies with the information needed to enforce any orders that are
- 3. Notice of Court Hearing (Form WV-109). This form tells the parties when the hearing on the petition will be held.



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WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

- 4. *Temporary Restraining Order* (**TRO**) (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
- 5. Restraining Order After Hearing to Stop Workplace Violence (Order) (Form WV-130). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.
 - These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.
- 6. *Proof of Personal Service* (Form WV-200). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

All of these forms are available from the court clerk's office, from any law library, or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts website at www.courts.ca.gov/forms.

Do I need a lawyer?

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer's lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

- Fill in the **Petition** (Form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (Form WV-109). If you are seeking a **TRO**, also fill out Form WV-110.
- 2. If you are seeking orders based on information from your employee and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (Form WV-100). You may use Form MC-031, *Attached Declaration*.

- 3. Fill in Form WV-102, *Confidential CLETS Information*, with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
- 4. If you are applying for a **TRO**, fill out Form WV-110 completely. The petition and the declarations must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your employee.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them;
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
- 5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the TRO. A protected person will need a copy of the TRO if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form WV-109).

WV-100-INFO

How Do I Get an Order to Prohibit Workplace Violence?

- 6. If you are seeking a **TRO** (Form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
- 7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

If the court issues a TRO, it will last until the hearing date.

- 8. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
- 9. Have the respondent personally **served** with copies of the **Petition** (Form WV-100), the *Notice of Court Hearing* (Form WV-109), the **TRO** (Form WV-110) (if issued), a blank **Response** (Form WV-120), and a blank *Proof of Service of Response by Mail* (Form WV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-200-INFO, *What Is "Proof of Personal Service"?*.

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice* of *Court Hearing* (Form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

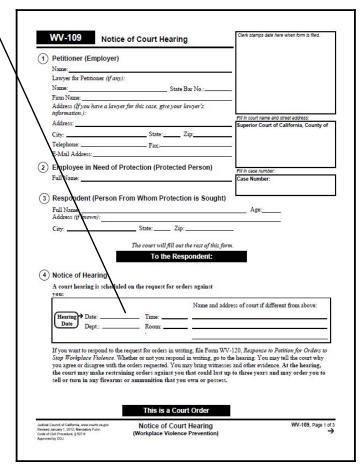
You can bring to the hearing:

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

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

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

- 12. If the judge signs the **Order** (Form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File Form WV-220, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (Form WV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.



- 15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.
- 16. The order can be enforced in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories. If the employee moves out of California, have him or her contact the new local police so that they will know about the order.



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted.]

Revised January 1, 2012

WV-100-INFO, Page 4 of 4

CONFIDENTIAL

Not approved for use by the Judicial Council

WV-102 CLETS Information

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private.

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

| Employee to Be Protected (Name | e): | | |
|--|----------------------------------|-----------------------|---------------------|
| Sex: M F Height: | Weight: | Race: | |
| Hair Color: Eye Color: | Age: | _ Date of Birth: _ | |
| (Mailing address listed on restraining of Vehicle (Type, model, year): | | , , | one number [optiona |
| Vehicle License Number and State: | | | |
| Person to Be Restrained (Name): | | | |
| Sex: M F Height: | | | |
| Hair Color: Eye Color: | Age: | _ Date of Birth: _ | |
| (Residence address) | (City, state, zip) | (Telepho | one number) |
| (Workplace) | (Occupation/title) | (Work h | ours) |
| (Business address) | (City, state, zip) | (Telepho | one number) |
| Driver's License Number and State: | Vehicle License | e Number and State: | |
| Vehicle (Type, model, year): | Socia | al Security Number: | |
| Describe any marks, scars, or tattoos: | | | |
| Other names used by the restrained person | on: | | |
| Guns or Firearms Describe any guns or firearms you believ <i>locations</i>): | ve the restrained person owns or | has access to (Numb | er, types, and |
| Other People to Be Protected | | | |
| <u>Name</u> | Date of Bi | <u>rth</u> <u>Sex</u> | Race |

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

| , | WV-109 Notice of Court Hearing | Clerk stamps date here when form is filed. |
|----------|--|--|
| 1 | Petitioner (Employer) | DRAFT March 30, 2011 |
| | Name: | ── Not Approved by the |
| | Lawyer for Petitioner (if any): | Judicial Council |
| | Name: State Bar No.: | <u> </u> |
| | Firm Name: | <u> </u> |
| | Address (If you have a lawyer for this case, give your lawyer's information.): | |
| | Address: | Fill in court name and street address: |
| | City: State: Zip: | · · · · · · · · · · · · · · · · · · · |
| | Telephone: Fax: | |
| | E-Mail Address: | |
| 2 | Employee in Need of Protection (Protected Person) | |
| | , , | Fill in case number: |
| | Full Name: | Case Number: |
| 3 | Respondent (Person From Whom Protection is Sough | t) |
| | Full Name: | |
| | Address (if known): | |
| | City: State: Zip: | |
| | The court will fill out the rest of this | |

To the Respondent:

4 Notice of Hearing

A court hearing is scheduled on the request for orders against vou:

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

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

This is a Court Order

| 4 | | Ten | npora | ry Restraining Orders (Any orders granted are on Form WV-110, served with this notice.) ary Restraining Orders as requested in Form WV-100, Petition for Orders to Stop Workplace Violence, ck only one box below): All GRANTED until the court hearing. |
|---|----|---------------|-----------------|--|
| | | (2) (3) | | All DENIED until the court hearing. (Reasons for denial are specified in item 4b, below.) Partly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in |
| | b. | | sons | item 4b, below.) that Temporary Restraining Orders as requested in Form WV-100, Petition for Orders to Stop |
| | | | | ce Violence, for personal conduct or stay away are denied are: |
| | | (1) | | The facts as stated in Form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued. |
| | | (2) | | Other (specify): |
| | | - | | |
| | | - | | |
| | | - | | |
| 5 | 94 | · ·rvic | 20.0 | f Documents and Time for Service |
| | 36 | FIVIC | Je U | 1 Documents and Time for Service |
| | | | | To the Petitioner: |
| | pe | rsona | ılly g | days before the hearing, someone age 18 or older—not you or anyone to be protected—must give (serve) a court's "file-stamped" copy of this form to the respondent, along with a copy of all of the ated below: |
| | a. | WV | -100 | , Petition for Orders to Stop Workplace Violence (file-stamped) |
| | b. | | WV | -110, Temporary Restraining Order (file-stamped) IF GRANTED |
| | c. | WV | -120 | , Response to Petition for Orders to Stop Workplace Violence (blank form) |
| | d. | WV | -120 | -INFO, How Can I Respond to a Petition for Orders to Stop Workplace Violence?. |
| | e. | WV | -250 | , Proof of Service of Response by Mail (blank form) |
| | f. | | | er (specify): |
| | • | give the j | en (se perso | ert cannot grant restraining orders after the court hearing unless the respondent has been personally erved) a copy of your petition and any temporary orders. To show that the respondent has been served, on who served the forms must fill out a proof of service form. Form WV-200, <i>Proof of Personal</i> |
| | | | | may be used. |
| | • | For | infor | may be used. rmation about service, read Form WV-200-INFO, <i>What Is "Proof of Personal Service"?</i> . re unable to serve the respondent in time, you may ask for more time to serve the documents. Use |

WV-109, Page 2 of 3

This is a Court Order.

| Case Number: |
|--------------|
| |
| |

To the Respondent

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

| Date: | | | |
|-------|---|------------------|--|
| | · | Judicial Officer | |



Clerk's Certificate

Clerk, by_____

Request for Accommodations

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

(Clerk will fill out this part.)

-Clerk's Certificate-

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

[seal]
Date: _____

This is a Court Order.

_, Deputy

| WV-110 | Temporary Restraining Orde | Clerk stamps date here when form is filed. |
|--------------------------------|--|---|
| 1 Petitioner (En | mployer) | DRAFT 3 BG March 30, 2011 |
| Lawyer for Petit | | Not Approved by the |
| Name: | State Bar No. | 1 |
| Firm Name: | | |
| Address (If you information.): | have a lawyer for this case, give your lawyer's | |
| Address: | | Fill in court name and street address: Superior Court of California, County of |
| City: | State: Zip: | ———— Superior Court of Camornia, County of |
| Telephone: | Fax: | |
| E-Mail Address: | | |
| 2 Employee (P | rotected Person) | |
| | | Court fills in case number when form is filed. |
| | | Case Number: |
| | (Restrained Person) | |
| Full Name: | | |
| Description: | | |
| Sex: □ M □ | F Height: Weight: | Date of Birth: |
| | | Age: Race: |
| | - | |
| City: | | State: Zip: |
| | | |
| \smile | I Protected Persons | |
| | | members or other employees are protected by the |
| temporary orders | indicated below: Full Name Sex A | ge Household Member? Relation to Employee |
| | | Yes |
| | | — — |
| | | Yes |
| | | Yes |
| ☐ Additional p | protected persons are listed at the end of this O | order on Attachment 4. |
| | | |
| (5) Expiration Da | ate | |
| This Order evnis | | |
| This Order expir | res at the end of the hearing scheduled for the | date and time below: |
| | res at the end of the hearing scheduled for the Time: | |

This is a Court Order

| Case Number: | |
|--------------|--|
| | |

To the Respondent:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up

| | | one year, pay a fine of up to \$1,000, or both. |
|-------------|----|---|
| 6) | Pe | ersonal Conduct Orders Not Requested Denied Granted as Follows: |
| | a. | You are ordered not to do the following things to the employee and to the other protected persons listed in 4 : |
| | | (1) Assault, batter, or stalk the person. |
| | | (2) Commit acts of violence or make threats of violence against the person. |
| | | (3) Follow or stalk the person during work hours or to or from the place of work. |
| | | (4) Contact the person, directly or indirectly, by any means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means. |
| | | (5) Enter the workplace of the person. |
| | | (6) Take any action to obtain the person's addresses or locations. If this item 6 is not checked, the court has found good cause not to make this order. |
| | | (7) Other (specify): |
| | | |
| | b. | Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. |
| (7) | St | ay-Away Order ☐ Not Requested ☐ Denied ☐ Granted as Follows: |
| _ | a. | You must stay at least yards away from the employee |
| | | and from each other protected person listed in (4) and from the places listed below (Check all that apply): |
| | | ☐ The employee's residence ☐ The residences of the other protected persons |
| | | ☐ The employee's job or workplace ☐ The jobs or workplaces of the other protected persons |
| | | ☐ The employee's children's school ☐ The schools or places of child care of the other protected persons's children |
| | | or place of child care persons's children The employee's vehicle |
| | | Other (specify): |
| | | |
| | b. | This stay-away order does not prevent you from going to or from your home or place of employment. |
| (8) | | rearms Prohibition and Relinquishment |
| | a. | You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition. |
| | b. | You must: |
| | | (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order. |
| | | (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (<i>You may use Form WV-800</i> , Proof of Firearms Turned In or Sold, <i>for the receipt</i> .) |
| | c. | The court has received information that you own or possess a firearm. |
| | | This is a Court Order |

| | | | | Case Number: |
|-----|----------------------------------|--|-------------------------------------|--|
| 9 | Othe | r Orders (specify): | Gr | ranted as Follows: |
| | Ad | ditional orders are attached at the end of this Order on Attachme | ent 9 | |
| 10) | This C | rder must be entered into the California Restraining and Protectionia Law Enforcement Telecommunications System (CLETS). (Control The clerk will enter this Order and its proof-of-service form into CLETS. By the close of business on the date that this Order is made, the deliver a copy of the Order and its proof-of-service form to the enter into CLETS: Name of Law Enforcement Agency Address (City, State of Carlot Control Cletts) Address (City, State of Cletts) | ive Check to CL to a e emp | k one): LETS. law enforcement agency to be entered ployer or the employer's lawyer should enforcement agencies listed below to |
| 11) | The sh a. \square b. \square | Additional law enforcement agencies are listed at the end of the eto Serve (Notify) Restrained Person Order eriff or marshal will serve this Order without charge because: The Order is based on unlawful violence, a credible threat of violence is entitled to a fee waiver. The petitioner is entitled to this Order, if any: | ed | ☐ Not Ordered |
| | Date: | Judicial Officer | | |

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

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

This is a Court Order

| Case Numb | er: | | |
|-----------|-----|--|--|
| | | | |
| | | | |

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and Form WV-109, *Notice of Court Hearing* but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in item 5 on page 1.

This is a Court Order

| Case Nu | mber: | | |
|---------|-------|--|--|
| | | | |
| | | | |

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

(Clerk will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate [seal] I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: ______, Deputy

This is a Court Order.

WV-115

Request for Continuance and to Reissue Temporary Restraining Order

Clerk stamps date here when form is filed.

DRAFT 4 BG March 30, 2011

| Petitioner (Employee) | Wai Cii 30, 2011 |
|--|---|
| Name: | Not Approved by the Judicial Council |
| Lawyer for Petitioner (if any): | Judicial Council |
| Name: State | te Bar No.: |
| Firm Name: | |
| Address (If you have a lawyer for this case, give your information.): | This is court flame and street address. |
| Street Address: | Superior Court of California, County of |
| City: State: | |
| Telephone: Fax: | |
| E-Mail Address: | |
| | Court fills in case number when form is filed. |
| Employee (Person in Need of Protection) | Case Number: |
| Full Name: | |
| Respondent (Person From Whom Protect | ion Is Sought) |
| | Age: |
| Address (if known): | |
| City: | |
| Request to Continue Hearing and to Reiss I ask the court to continue the hearing currently sched and to reissue the attached <i>Temporary Restraining On</i> a. The attached order was issued on (date): b. I could not get the order served before the hearing below □ on the attached page | duled for (date): rder (Form WV-110) without notice to the respondent. |
| c. This is the first request to reissue the Order. | |
| ☐ The Order has been previously reissued | times. |
| | |
| I declare under penalty of perjury under the laws of the correct. | ne State of California that the information above is true and |
| | ne State of California that the information above is true and |
| correct. | ne State of California that the information above is true and |

This is not a Court Order

WV-116

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

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

| Petitioner (Employer | r) | Water 30, 2011 |
|-------------------------------|--|--|
| | , | Not Approved by the |
| Lawyer for Petitioner (if a | ny): | Judicial Council |
| Name: | State Bar No.: | |
| | | |
| | | |
| | State: Zip: | Superior Court of California County of |
| • | Fax: | |
| _ | Tux. | |
| | | |
| Employee in Need of | f Protection | |
| Full Name: | | Court fills in case number when form is filed. |
| | | Case Number: |
| • • | From Whom Protection Is Soug | jnt) [|
| Full Name: | | |
| Current Hearing | | |
| _ | urrently set for (date) | at (time) |
| 11 hearing in this case is ev | | |
| Request for New Hea | aring Date | |
| a. A new hearing date wa | as requested by: (1) \square The petitioner | (2) The respondent |
| | respondent could not be served before the | • |
| ` ' | parties have agreed to postpone the hearin | · · |
| · · · | the reasons stated \Box below \Box on the a | |
| (3) 🗀 101 (| the reasons stated \square below \square on the a | attached page. |
| | | |
| | | |
| | | |
| | orary Restraining Order | |
| a. ☐ No temporary restr | raining order was issued in this case. | |
| b. The request to reiss | sue temporary restraining order is DENIE | ED. |
| | sue temporary restraining order is GRAN orary Restraining Order (Form WV-110) | |
| Expiration Date | | |
| The attached Temporary F |) t i - i O - d i t - d d - C d | hearing now scheduled for |
| | Restraining Order expires at the end of the | ilearing now seneduled for. |
| , , | Time: | |

This is a Court Order





 \rightarrow

| Case Number: | |
|--------------|--|
| | |

Warning and Notice to the Respondent

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

(8) Order for Continuance and Notice of Hearing

The court hearing on the Petition for Orders to Stop Workplace Violence (Form WV-100) is continued and rescheduled:

| | | | NI 1 11 C 4 C 1 C 1 C 1 |
|--|--|---|--|
| New Hearing Date | | | Name and address of court if different from above: ——————————————————————————————————— |
| ot | ther documents requesti | ng orders to stop wo | rspondent at least days before the hearing, along with the rkplace violence. If reissuance is denied in item 6b on page 1, Form WV-110) must NOT be attached and served. |
| b. □ N | o further service of this | | cause both parties were present at the initial hearing date (in of this Order |
| | em (4), and both were | given a signed copy | or this order. |
| ite | em(4), and both were f Order Into CARP | | |
| ite Entry o If the Ter Restraining | f Order Into CARP mporary Restraining Or | OS Through CL der was reissued (ite rs System (CARPOS | ETS m 6c is checked), this Order must be entered into the California) through the California Law Enforcement |
| ite Entry o If the Ter Restrainin Telecomm | f Order Into CARP mporary Restraining Or ng and Protective Order munications System (Cl | OS Through CL der was reissued (ite rs System (CARPOS LETS). (Check one): | ETS m 6c is checked), this Order must be entered into the California) through the California Law Enforcement |
| Entry o If the Ter Restrainin Telecomma. The Telecomman Telecom | f Order Into CARP mporary Restraining Or ng and Protective Order munications System (Cl he clerk will enter this 0 | OS Through CL der was reissued (ite rs System (CARPOS LETS). (Check one): Order and its proof-o | ETS m 6c is checked), this Order must be entered into the California) through the California Law Enforcement |
| Entry o If the Ter Restrainin Telecomm a. The b. The in c. Be de | f Order Into CARP mporary Restraining Or ng and Protective Order munications System (Cl he clerk will enter this the to CLETS. y the close of business | OS Through CL der was reissued (ite rs System (CARPOS LETS). (Check one): Order and its proof- ais Order and its proof- on the date that this of- | ETS m 6c is checked), this Order must be entered into the California) through the California Law Enforcement f-service form into CLETS. |

This is a Court Order

| | Case Number: | |
|----|--|--|
| 10 | No Fee to Serve (Notify) Respondent □ Ordered □ Not Ordered The sheriff or marshal will serve this Order without charge because: a. □ The Order is based on unlawful violence, a credible threat of violence, or stalking. b. □ The petitioner is entitled to a fee waiver. | |
| | Date: | |



Requests for Accommodations

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

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

Clerk's Certificate [seal]

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

Date: _____

Clerk, by ______, Deputy

This is a Court Order

WV-120-INFO

How Can I Respond to a Petition for Orders to Stop Workplace Violence?

What is a workplace violence protective order?

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

What does the order do?

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from that person and the person's home, workplace, and other places
- Not have any guns as long as the order is in effect

Who can ask for a workplace violence protective order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

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

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

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

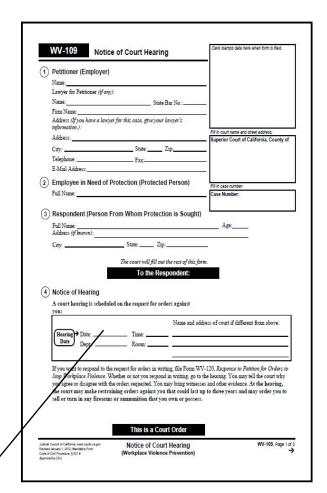
Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed Form WV-120 to the person named in item 1 of the petition, Form WV-100 (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

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



How Can I Respond to a Petition for Orders to Stop Workplace Violence?

How long does the order last?

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

Do I need a lawyer?

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

Will I see the employee at the court hearing?

Yes. Assume that the employee will attend the hearing. Do not talk to him or her unless the judge or the employee's lawyer says you can.

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

Can I agree with the employee to cancel the order?

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

What if I am deaf or hard of hearing?



Request for Accommodations

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

For help in your area, contact:

[Local information may be inserted]

| | training Order After Hearing to p Workplace Violence | Clerk stamps date here when form is filed. |
|---|---|---|
| Petitioner (Employer | r) | DRAFT 3 BG March 30, 2011 |
| Name: | | ─ Not Approved by the |
| Lawyer for Petitioner (if a | | ludicial Council |
| Firm Name: | State Bar No.: | _ |
| | lawyer for this case, give your lawyer's | Fill in accord to any and advant address. |
| Street Address: | | Fill in court name and street address: Superior Court of California, County of |
| | State: Zip: | |
| Telephone: | Fax: | _ |
| E-Mail Address: | | _ |
| Employees (Bustons | d Davasa) | |
| Employee (Protected | | Court fills in case number when form is filed. |
| Full Name: | | Case Number: |
| Description: Sex: M F Hei | ight: Weight: Da | |
| Full Name: Description: Sex: M F Hei Hair Color: Home Address (if known | ight: Weight: Da Eye Color: Age: n): | Race: |
| Full Name: Description: Sex: M F Hei Hair Color: Home Address (if known | ight: Weight: Da Eye Color: Age: | Race: |
| Full Name: Description: Sex: M F Heit Hair Color: Home Address (if known City: Additional Protect In addition to the emptorders indicated below Full Name | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: me | Race: Zip: |
| Full Name: | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: ame | Race: Zip: bers or other employees are protected by the selection of the sele |
| Full Name: | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: Sex Age Hous | Race: Zip: shers or other employees are protected by the shold Member? Relation to Employee Yes No Yes No Yes No |
| Full Name: Description: Sex: | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: ume | Race: Zip: |
| Full Name: | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: ume | Race: Zip: shers or other employees are protected by the shold Member? Relation to Employee Yes No Yes No Yes No |
| Full Name: Description: Sex: | ight: Weight: Da Eye Color: Age: n): cted Persons ployee, the following family or household mem w: ume | Race: Zip: State: Zip: sbers or other employees are protected by the shold Member? Relation to Employee Yes No Yes No Yes No |

| | | Case Number: |
|---|---|--|
| 6 | Hearing a. There was a hearing on (date): at (time): (Name of judicial officer): | in Dept.: Room: made the orders at the hearing. |
| | b. These people were at the hearing: (1) The petitioner/employer represented by (name): | (name): |
| | c. The hearing is continued. The parties must return to court on (| |
| | To the Respondent | |
| 7 | The court has issued the orders checked as granted below you can be arrested and charged with a crime. You may be a fine of up to \$1,000, or both. Personal Conduct Orders a. You are ordered not to do the following things to the employee and to the other protected persons in 4: (1) Assault, batter, or stalk the person. (2) Commit acts of violence or make threats of violence again (3) Follow or stalk the person during work hours or to or from (4) Contact the person, directly or indirectly, by any means, in telephone, in writing, by public or private mail, by e-mail, (5) Enter the workplace of the person. (6) Take any action to obtain the person's addresses or location found good cause not to make this order. | e sent to jail for up to one year, pay ast the person. In the place of work. Including but not limited to, in person, by by fax, or by other electronic means. |
| | (7) Other (specify): | |
| | b. Peaceful written contact through a lawyer or a process server or or to a court case is allowed and does not violate this order. | ther person for service of legal papers related |
| 8 | ☐ Stay-Away Order | |
| | a. You must stay at least yards away from the employee | |
| | and from each other protected person listed in 4 and from th | • |
| | ☐ The employee's job or workplace ☐ The jobs or workplace ☐ The schools or place of child care ☐ The schools or persons' children's school | orkplaces of the other protected persons replaces of child care of the other protected ren. of the other protected persons |
| | | |

This is a Court Order

| | Case Number: |
|---|--|
| b. This stay-away order does not prevent you from going to | or from your home or place of employment. |
| Firearms Prohibition and Relinquishment | |
| a. You cannot own, possess, have, buy or try to buy, recother firearms, or ammunition. | ceive or try to receive, or in any other way get gun |
| b. If you have not already done so, you must: | |
| Sell to a licensed gun dealer or turn in to a law enformmediate possession or control. This must be done | |
| (2) File a receipt with the court within 48 hours of recein or sold. (You may use Form WV-800, Proof of Fig. 1) | |
| c. The court has received information that you own or | possess a firearm. |
| Costs | |
| You must pay the following amounts for costs to the petition | ner. |
| Item Amount | <u>Item</u> Amount |
| \$ | <u> </u> |
| \$ | Š |
| \$ | \$ |
| Additional items and amounts are attached at the end | of this Order on Attachment 10. |
| | |
|) Other Orders (specify): | |
| | |
| | |
| Additional orders are attached at the end of this Order o | n Attachment 11 |
| — Additional orders are attached at the cha of this order of | ii / Ktaeliiielit 11. |
| Mandatory Entry of Order Into CARPOS Through | gh CLETS |
| This Order must be entered into the California Restraining a California Law Enforcement Telecommunications System (| • |
| a. The clerk will enter this Order and its proof-of-serving. | ice form into CLETS. |
| b. The clerk will transmit this Order and its proof-of-so into CLETS. | ervice form to a law enforcement agency to be entere |
| c. By the close of business on the date that this Order in the Order and its proof-of-service form to the law ending the Order. | is made, you or your lawyer should deliver a copy of |

This is a Court Order

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

Name of Law Enforcement Agency

Address (City, State, Zip)

| | | | | | Case Number: | |
|-----|--------------|------------|---|-----------------------------|--|----|
| | | | | | | |
| 13) | Serv | | rder on Respondent | | | |
| | a | Both the | e respondent and the employee atte | nded the hearing. No oth | er proof of service is needed. | |
| | b | The resp | ondent did not attend the hearing. | | | |
| | | (1) | | e same as in Form WV-11 | g <i>Order</i> , was presented to the court. The 10 except for the expiration date. The e by mail. | ıe |
| | | (2 | The judge's orders in this form a WV-110. Someone—but not the serve a copy of this order on the | petitioner or anyone prote | orary restraining orders in Form ected by this Order— must personally | |
| 14) | □ N | lo Fee to | Serve Respondent | | | |
| | | • | arshal will serve this Order withou | | | |
| | a. ∟ b. □ | | ler is based on unlawful violence, | a credible threat of violer | ice, or stalking. | |
| | υ | i The pen | tioner is entitled to a fee waiver. | | | |
| 15 | Numb | er of page | s attached to this Order, if any: — | | | |
| | Date: | | | icial Officer | | |
| | | | Jua | iciui Officer | | |

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item (9). The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence in the California Law Enforcement Telecommunications System (CLETS) or in an NCIC Protection Order File. Violations of this order are subject to criminal penalties.

This is a Court Order.

WV-130, Page 4 of 5

| Case Number: |
|--------------|
| |

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature above. The order *ends* on the expiration date in item 5.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

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

| | (0 | tern with full out this partity | |
|-------------------------------|-------|--|---------------------------|
| Clerk's Certificate [seal] | _ | Clerk's Certificate— | |
| | • | s Restraining Order After Hearing to Sto copy of the original on file in the court. | p Workplace Violence is a |
| | Date: | Clerk by | Denu |

(Clerk will fill out this part)

This is a Court Order.

What is "Service"?

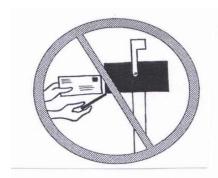
Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or "in-person" service. The *Petition for Orders to Stop Workplace Violence* (Form WV-100), the *Notice of Court Hearing* (Form WV-109), and the *Temporary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

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

The server must:

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

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

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

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

How to serve

Ask the server to:

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

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

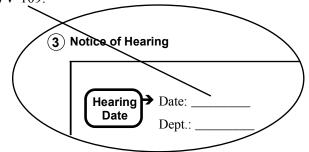
- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

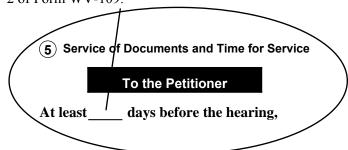
When do the orders have to be served?

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

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

Next, look at the number of days written in item **6** on page 2 of Form WV-109.





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

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

Who signs the *Proof of Personal Service*?

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

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

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

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

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

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

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

WV-260

Proof of Service of Order After Hearing by Mail

You may serve Form WV-130, Restraining Order After Hearing to Stop Workplace Violence, on the respondent by mail if the respondent was not at the hearing and:

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

| | WV 110 except for the expiration date. | | Superior | Court of California, County of |
|-------------|---|-------------------------------|-------------------------|--------------------------------|
| 1 | Petitioner (Employer) Name: | | | |
| 2 | Employee (Protected Person) | | | |
| | Name: | | Fill in case | |
| 3 | Respondent (Restrained Person) Name: | | Case Nur | mber: |
| | PROOF OF | SERVICE BY MAI | L | |
| (4) | I am 18 years of age or older and am a resident of not the petitioner, the employee, or any person li of: a. Form WV-130, <i>Restraining Order After Hear</i> b. ☐ Other (<i>specify</i>): | sted in item 4 of Forn | n WV-130. I Violence | mailed the respondent a copy |
| (5) | I placed copies of the documents above in a seale | ed envelope and mailed | them as des | scribed below: |
| | a. Mailed from: City: | _ State: | _ b. On (de | ate): |
| | c. To this address: | | | |
| | City: | | | |
| 6) | Server's Information | | | |
| • | Name: | т | elenhone: | |
| | Address: | | _ | |
| | City: | | | |
| | (If you are a registered process server): | | | |
| | County of registration: | Registration | n number: _ | |
| | I declare under penalty of perjury under the laws correct. | | | |
| | Date: | | | |
| | | | | |
| | | P | | |

WV-260, Page 1 of 1

Clerk stamps date here when form is filed.

DRAFT March 30, 2011

Not Approved by the

Judicial Council

Fill in court name and street address:

Type or print server's name

Server to sign here

Request to Renew Restraining WV-700 DRAFT Petitioner (Employer) March 30, 2011 Name: Lawyer for Petitioner (*if any*): Not Approved by the Name: _____ State Bar No.:____ Judicial Council Firm Name: Address (If you have a lawyer for this case, give your lawyer's *information.*): Court name and street address: Street Address: Superior Court of California, County of City: _____ State: ____ Zip: ____ Telephone: _____ Fax: _____ E-Mail: _____ **Employee (Protected Person)** Fill in case number: Full Name: ____ Case Number: **Respondent (Restrained Person)** Full Name: _____ Age: ____ Address (if known): City: ______ State: _____ Zip: _____ Request to Renew Restraining Order I ask the court to renew the Restraining Order After Hearing to Stop Workplace Violence (Form WV-130). A copy of the order is attached a. The order ends on (date): b. This is my first request to renew the order. ☐ The order has been renewed _____ times already. c. I want the order to be renewed for three years other (specify): d. I ask the court to renew the order because (explain below): Response is stated in Attachment 4d. I declare under penalty of perjury under the laws of the State of California that the information above is true and correct. Sign your name Type or print your name

This is not a Court Order.

Clerk stamps below when form is filed.

| \ | WV- 710 | | f Hearing to ing Order | Renew | Clerk stamps below when form is filed. |
|-------------|---|---|---|----------------------------------|--|
| 1 | Petitioner (En | | | | DRAFT March 30, 2011 |
| | Lawyer for Petition | oner (if any): | | ate Bar No.: | Not Approved by the Judicial Council |
| | | | or this case, give yo | | |
| | Street Address: | | | | Court name and street address: |
| | | | | Zip: | Superior Court of California, County of |
| | _ | | | | |
| (2) | Employee (Pr | otected Per | son) | | |
| | Full Name: | | | | Fill in case number: Case Number: |
| (3) | Respondent (| Restrained | Person) | | |
| | | | | | Age: |
| | | | | | |
| | City: | | | State: | Zip: |
| 4 | Court Hearing The judge has set | - | g date. <i>Court will f</i> | ill in box below. | |
| | The current | restraining or | lers stay in effect | until the end of the Name and | hearing. address of court if different from above: |
| | Hearing > Da | .te: | Time: | | |
| | Date De | ept.: | Room: | | |
| 5 | a copy of the followWV-700, RedWV-710, No | or older— not y owing forms or quest to Renew tice of Hearing | n the respondent at Restraining Order to Renew Restrain | e protected by the re | n); |
| | • WV-130, the requested. | current Restra | ining Order After | Hearing to Stop Wor | kplace Violence for which renewal is |

This is a Court Order.

| Case Number: | |
|--------------|--|
| | |

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

To the Respondent:

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

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

| te: | | |
|-----|------------------|--|
| | Judicial Officer | |



Requests for Accommodations

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

This is a Court Order.

WV-720

Response to Request to Renew Restraining Order

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

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

Clerk stamps date here when form is filed.

DRAFT 2 BG March 30, 2011

Not Approved by the Judicial Council

| Petitioner (Employer) | |
|---|--|
| Name: | Court name and street address: |
| Employee (Protected Person) Name: | Superior Court of California, County of |
| Respondent (Restrained Person) | |
| Your Full Name: | |
| Your Lawyer (if you have one): | Fill in case number: Case Number: |
| Name: State Bar No.: | _ |
| Firm Name: | |
| Your Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.): | The court will consider your Response at the hearing. Write your hearing date, time, and place from Form WV-710 item 4 here. |
| Address: | Doto |
| City: State: Zip: | I U Date I Transco |
| Telephone: Fax: | Time: |
| E-mail Address: | Dept.: Room: |
| Response | You must continue to obey the current restraining order until the hearing. At |
| a. I agree to extend the order. | the hearing, the court can extend the |
| b. I do not agree to extend the order. | order against you up to another three |
| c. \[\sum \] I agree to the following order instead (specify below): | years. |
| ☐ Check here if there is not enough space for your answer. Att 3c—Order Requested" for a title. You may use Form MC-0 | |
| d. I ask the court not to renew the order for the following reasons (| (specify below): |
| ☐ Check here if there is not enough space for your answer. Pu sheet of paper or Form MC-025 and write "Attachment 3d— | |
| | |
| | |
| | |

| | Case Number: |
|---|--|
| | |
| Date: | • |
| Lawyer's name, if you have one | Lawyer's signature |
| I declare under penalty of perjury under the correct. | e laws of the State of California that the information above is true and |
| Date: | > |
| Type or print your name | Sign your name |

| WV-730 Order Renewing Resto Stop Workplace V | |
|---|---|
| 1 Petitioner (Employer) Name: | DRAFT |
| Lawyer for Petitioner (if any): Name: S Firm Name: S | Not Approved by the Judicial Council |
| Address (If you have a lawyer for this case, give y information.): | |
| Street Address: | Superior Court of California, County of |
| City: State: Telephone: Fax: | Zip: |
| E-Mail Address: | |
| (2) Employee (Protected Person) | Fill in case number: |
| Full Name: | |
| 3 Respondent (Restrained Person) Full Name: Address (if known): | |
| City: | |
| | for the respondent (name): |
| 5 Renewal and Expiration | |
| The request to renew the attached <i>Restraining Ord</i> on <i>(date)</i> , is: a. □ DENIED . The attached order expires as stab. □ GRANTED . The attached order is renewed. | _ |
| | m. or midnight on (date): |
| If no expiration date is written here, the ordabove. | der expires three years from the date of the hearing in item (3), |
| Date: | Judicial Officer |

This is a Court Order

Not approved for use by the Judicial Council

WV-800-INFO

How Do I Turn In or Sell My Firearms?

(1) What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- · Assault weapon

(2) If you own or have a firearm you must:

- Turn it in to local law enforcement or
- Sell it to a licensed gun dealer

(3) How do I sell my firearm?

Find a licensed gun dealer in your area.

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

(4) How do I take my firearm to law enforcement?

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

5 If I turn my firearm in to law enforcement, how long will they keep it? Ask the law enforcement agency.

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

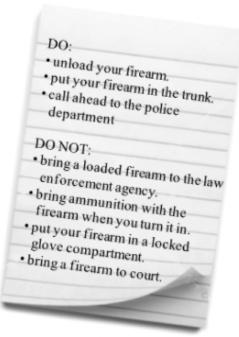
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

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

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

8 Questions?

Call your local law enforcement agency: (insert local information here)





Item SPR11-60 Response Form

| Title: | Protective Orders: Forms To Be Used in Proceedings to Prevent Civil Harassment, Elder Abuse, Private Postsecondary School Violence, and Workplace Violence Agree with proposed changes |
|----------------|--|
| | Agree with proposed changes if modified |
| | ☐ Do not agree with proposed changes |
| Comn | nents: |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| Name | e:Title: |
| Orgai | nization: |
| _ | Commenting on behalf of an organization |
| Addre | ess: |
| | State, Zip: |
| City, . | State, 21p |
| Commare no | nents may be submitted online, written on this form, or prepared in a letter format. If you of commenting directly on this form, please include the information requested above and opposal number for identification purposes. Please submit your comments online or email, or fax comments. You are welcome to email your comments as an attachment. |
| Intern | et: <u>www.courts.ca.gov/policyadmin-invitationstocomment.htm</u> |
| Email Mail: | Ms. Camilla Kieliger Judicial Council, 455 Golden Gate Avenue |
| Fax: | San Francisco, CA 94102 (415) 865-7664. Attn: Camilla Kieliger |

DEADLINE FOR COMMENT: 5:00 p.m., Thursday, June 30, 2011