JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR17-23

Title

Protective Orders: Response and Firearms Relinquishment Exemption

Proposed Rules, Forms, Standards, or Statutes Revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130

Proposed by

Civil and Small Claims Advisory Committee Hon. Raymond M. Cadei, Chair

Action Requested

Review and submit comments by April 28, 2017

Proposed Effective Date January 1, 2018

Contact

Jenny Wald, 415-865-8713 jenny.wald@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee proposes revising the civil restraining order forms to allow the court the discretion to make exceptions to the statutory firearms relinquishment order if a firearm is required by the respondent's employment. The committee also proposes revisions to the response forms to requests for restraining orders to provide space on the forms so that if a responding party disagrees with a request, he or she may provide an explanation. The existing forms may be misleading in proceedings governed by statutes that specifically provide that the responding party may file a response with an explanation. This explanatory information would also be helpful to the judicial officer.

Background

Response Forms

The Legislature has mandated that the Judicial Council prescribe the forms and rules relating to matters covered by the statutes that govern proceedings. Currently, the forms to respond to a request for a protective order in all five case types to prevent civil harassment, elder and dependent adult abuse, gun violence, private post-secondary school violence, and workplace violence provide for three check box options: (a) agree; (b) do not agree; or (c) agree to a

¹ See Code Civ. Proc., §§ 527.6(w)(1) (CH), 527.85(v)(1) (SV), 527.8(v)(1) (WV); Pen. Code, § 18105 (gun violence (GV)); Welf. & Inst. Code, § 15657.03(x) (EA).

different specified order. There is no space provided on any of the forms for the responding party to include any explanation if he or she does not agree with the request. These forms may be misleading in proceedings governed by statutes that specifically provide that the responding party may file a response with an explanation. For example, in response to a petition for a civil harassment restraining order, a respondent "may file a response that *explains*, *excuses*, *justifies*, or denies the alleged harassment."

Firearms relinquishment exemption

Code of Civil Procedure section 527.9(f) provides that "[t]he court may, as part of the [firearms] relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm if the respondent can show that [the] firearm is necessary as a condition of continued employment and that the current employer is unable to reassign the respondent to another position where a firearm is unnecessary." The statute covers civil harassment (CH), elder or dependent adult abuse (EA), private postsecondary school violence (SV), and workplace violence (WV) proceedings. (See Code Civ. Proc., § 527.9(a).) Specific language is provided in the statute to expressly state this exemption in the order. (See Code Civ. Proc. § 527.9(f).) The domestic violence restraining order forms for firearms relinquishment address the exemption and contain the statutory language. This proposal would revise the civil protective order response and order after hearing forms for CH, EA, SV, and WV proceedings to include statutory language that provides for the same exception.

The Proposal

The proposal would create additional space on the following protective order response forms so that if a responding party disagrees with the request, he or she may provide an explanation:

- Form CH-120, Response to Request for Civil Harassment Restraining Orders;
- Form EA-120, Response to Request for Elder or Dependent Adult Abuse Restraining Orders;
- Form GV-120, Response to Petition for Firearms Restraining Order;
- Form SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders; and
- Form WV-120, Response to Petition for Workplace Violence Restraining Orders.

This proposal would also revise the following forms so that the court may exercise its discretion to grant an exception to the statutory firearm relinquishment order to a responding party who makes the request under Code of Civil Procedure section 527.9(f):

- Form CH-120, Response to Request for Civil Harassment Restraining Orders;
- Form CH-130, Civil Harassment Order After Hearing;
- Form EA-120, Response to Request for Elder or Dependent Adult Abuse Restraining

² (Code Civ. Proc., § 527.6(h)(italics added); (Code Civ. Proc., § 527.85(i) (identical statutory language for SV cases); (Code Civ. Proc., § 527.8(i) (identical statutory language for WV cases); (Welf. & Inst. Code, § 15657.03(g) (similar language for EA cases: may file a response that "explains or denies the alleged abuse"); (Pen. Code, § 18100 et seq.) (no specific mention of response in GV statutes).

Orders;

- Form EA-130, Elder or Dependent Adult Abuse Restraining Order After Hearing;
- Form SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders;
- Form SV-130, Private Postsecondary School Violence Restraining Order After Hearing;
- Form WV-120, Response to Petition for Workplace Violence Restraining Orders; and
- Form WV-130, Workplace Violence Restraining Order After Hearing.

Alternatives Considered

The committee considered not taking any action but decided it would be better to revise the forms as proposed.

Implementation Requirements, Costs, and Operational Impacts

Self-help centers and court staff may need training to recognize and understand the revised items. The hope is that, once initial training is completed, the revised forms will assist parties in completing the forms correctly and will ultimately benefit the courts. Should the forms be issued as part of electronic case management systems, the electronic forms will need to be revised within those systems.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

• Does the proposal appropriately address the stated purpose?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so please quantify.
- What would the implementation requirements be for courts?

Attachments

1. Forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130, at pages 4– XXX

CH-120

Response to Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

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

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

| (1) | Person | Seeking | Protection |
|------------|--------|---------|------------|
|------------|--------|---------|------------|

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

| DRAFT |
|---------------------|
| NOT APPROVED BY THE |
| JUDICIAL COUNCIL |

| Traine of person seeking protection (see joint CII-100, tiem | Fill in court name and street address: |
|--|---|
| | Superior Court of California, County of |
| Person From Whom Protection Is Sought a. Your Name: | |
| Your Lawyer (if you have one for this case): | |
| Name: State Bar No. | : |
| Firm Name: | |
| b. Your Address (If you have a lawyer, give your lawyer's in | v . |
| If you do not have a lawyer and want to keep your home of private, you may give a different mailing address instead. have to give telephone, fax, or e-mail.): | |
| Address: | Present your response and any opposition at the |
| City: State: Zip: | hearing. Write your hearing date, time, and place |
| Telephone: Fax: | from form CH-109 item (3) here: |
| E-mail Address: | Hearing Date: Time: Toom: |
| ☐ Personal Conduct Orders | — Mooni. |
| | If you were served with a Temporary |
| a. I agree to the orders requested. | Restraining Order, you must obey it until the |
| b. I do not agree to the orders requested. (Specify why you disagree in item (11) on page 3.) | hearing. At the hearing, the court may make orders against you that last for up to five years. |
| | |
| c. I agree to the following orders (Specify below or in ite | em (11) on page 3.) |
| | |
| ☐ Stay-Away Orders | |
| a. I agree to the orders requested. | |
| b. I do not agree to the orders requested. (Specify why you | ou disagree in Item (11) on page 3) |
| c. I agree to the following orders (Specify below or in ite | |
| c ragice to the following orders (<i>Spectyy below of in the</i> | on page 3.) |
| | |
| ☐ Additional Protected Persons ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ | |
| a. I agree that the persons listed in item 3 of form CH-1 | 100 may be protected by the order requested. |
| b. I do not agree that the persons listed in item (3) of form | |



| 6 | If you other dealer control | s or Other Firearms and Ammunition were served with form CH-110, <i>Temporary Restraining Order</i> , you cannot own or possess any guns, firearms, or ammunition. (See item 7) of form CH-110.) You must sell to or store with a licensed gun r, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or ol within 24 hours of being served with form CH-110. You must file a receipt with the court. You may from CH-800, <i>Proof of Firearms Turned In</i> , <i>Sold or Stored</i> , for the receipt. |
|----------|-----------------------------|---|
| | a. 🗌 | I do not own or control any guns or firearms. |
| | b. 🗆 | I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (<i>Explain</i>): |
| | | Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment. |
| | | |
| | c. 🗌 | I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer A copy of the receipt is attached. has already been filed with the court. |
| 7 | □ Po | ossession and Protection of Animals |
| | a. | I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.) I agree to the following orders (Specify below or in item 11 on page 3). |
| _ | | |
| 8) | □ Ot | ther Orders |
| | a. | I agree to the orders requested. I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.) |
| | c. [| I agree to the following orders (Specify below or in item (1) on page 3.) |
| | | |
| | | |
| | □ D - | anial |
| 9 | | enial not do anything described in item (7) of form CH-100. |
| | 1 414 11 | or to any annual deposition in them (1) or form our root. |

| 0 | ☐ Justification or Excuse |
|---|--|
| | If I did some or all of the things that the person in 1 has accused me of, my actions were justified or excused for the following reasons (<i>explain</i>): |
| | ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment. |
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| 1 | Reasons I Do Not Agree to the Orders Requested |
| | Explain your answers to each order requested that you do not agree with. |
| | Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment. |
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| 12) | | No Fee for Filing | | | |
|-----|-----|---|--------------------------------|--------------------------|--------------------------|
| | a. | ☐ I request that I not be require item (13) to be entitled to free | | se the person in ① clai | ims in form CH-100 |
| | b. | ☐ I request that I not be require Request to Waive Court Fees | | e I am eligible for a fe | ee waiver. (Form FW-001, |
| 13) | | Lawyer's Fees and Costs | | | |
| | a. | ☐ I ask the court to order paym The amounts requested are: | ent of my Lawy | er's fees | costs. |
| | | <u>Item</u> | <u>Amount</u> \$ | <u>Item</u> | <u>Amount</u> \$ |
| | | | \$\$ \$\$ \$ | | \$ |
| | | | _ \$ | | \$ |
| | b. | "Attachment 13—Lawyer's FI ask the court to deny the recand costs. | - | | |
| 4 | Nu | mber of pages attached to this for | m, if any: | | |
| | Dat | e: | | | |
| | Lav | yyer's name (if any) | <u></u> | wyer's signature | |
| | | clare under penalty of perjury unchments is true and correct. | der the laws of the State of C | alifornia that the info | rmation above and on all |
| | Dat | e: | <u></u> | | |
| | T | e or print your name | | | |
| | Тур | e or print your name | Si | gn your name | |

| CH-130 Orde | Harassment Restraining er After Hearing | |
|--|--|--|
| _ | te items 1, 2, and 3 only. | DRAFT |
| a. Your Full Name: | | NOT APPROVED BY THE |
| Your Lawyer (if you ha | ve one for this case): State Bar No.: | JUDICIAL COUNCIL |
| b. Your Address (If you ha | ave a lawyer, give your lawyer's information. | |
| private, you may give a have to give telephone, | wyer and want to keep your home address a different mailing address instead. You do not fax, or e-mail.): | Fill in court name and street address: Superior Court of California, County of |
| City: | State: Zip: | |
| | Fax: | |
| | | Court fills in case number when form is filed. |
| | | |
| Hair Color: | ight: Weight: Date Eye Color: Age: | Race: |
| Sex: M F Hei Hair Color: Home Address (if known) | Eye Color: Age: | Race: |
| Sex: M F Hei Hair Color: Home Address (if known) City: | Eye Color: Age: | Race: tte: Zip: |
| Sex: M F Hei Hair Color: Home Address (if known) City: Relationship to Protected Additional Protect | Eye Color: Age: Stand Person: ted Persons amed in 1, the following family or household: ne Sex Age Lives of the standard standa | members of that person are protected by with you? How are they related to you? |
| Sex: M F Hei Hair Color: Home Address (if known) City: Relationship to Protected Additional Protect In addition to the person na the orders indicated below: | Eye Color: Age: Stand Person: ted Persons amed in 1, the following family or household: ne Sex Age Lives of the color of the col | members of that person are protected by with you? How are they related to you? s No |
| Sex: M F Hei Hair Color: Home Address (if known) City: Relationship to Protected Additional Protect In addition to the person nathe orders indicated below: Full Nam Check here if there are | Eye Color: Age: Stand Person: ted Persons amed in 1, the following family or household: ne Sex Age Lives of the color of the col | members of that person are protected by with you? How are they related to you? s □ No s □ No heet of paper and write "Attachment 3— |
| Sex: M F Hei Hair Color: Home Address (if known) City: Relationship to Protected Additional Protect In addition to the person nathe orders indicated below: Full Nam Check here if there are Additional Protected Policy | Eye Color: Age: Stand Person: ted Persons amed in 1, the following family or household: ne | members of that person are protected by with you? How are they related to you? s □ No s □ No theet of paper and write "Attachment 3— |
| Sex: M F Hei Hair Color: Home Address (if known) City: Relationship to Protected Additional Protect In addition to the person nathe orders indicated below: Full Nam Check here if there are Additional Protected Polymers | Eye Color: Age: Stand Person: ted Persons amed in 1, the following family or household: ne | members of that person are protected by with you? How are they related to you? s □ No s □ No heet of paper and write "Attachment 3— |

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

| | | | Case Number: |
|-------------|----|---|---|
| <u>5</u> | Н | Hearing | |
| | | a. There was a hearing on (date): at (time): | in Dept.:Room: |
| | | (Name of judicial officer):1 | |
| | b. | b. These people were at the hearing: | |
| | | (1) \square The person in \bigcirc . (3) \square The lawyer for the person in \bigcirc (n) | ame): |
| | | (2) \square The person in \bigcirc . (4) \square The lawyer for the person in \bigcirc (n) | ame): |
| | | ☐ Additional persons present are listed at the end of this Order on Atta | achment 5. |
| | c. | c. The hearing is continued. The parties must return to court on (date) | : at (time): |
| | | To the Person in 2: | |
| | | ourt has granted the orders checked below. If you do not obey harged with a crime. You may be sent to jail for up to one year, | |
| 6) | | ☐ Personal Conduct Orders | |
| | a. | a. You must not do the following things to the person named in (1) | |
| | | and to the other protected persons listed in 3 : | |
| | | (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assau | • |
| | | destroy personal property of, or disturb the peace of the person (2) Contact the person, either directly or indirectly, in any way, in | |
| | | telephone, in writing, by public or private mail, by interoffice or by other electronic means. | |
| | | (3) Take any action to obtain the person's address or location. If t found good cause not to make this order. | his item (3) is not checked, the court has |
| | | (4) Other (specify): | |
| | | Other personal conduct orders are attached at the end of th | is Order on Attachment 6a(4). |
| | b. | b. Peaceful written contact through a lawyer or process server or other per a court case is allowed and does not violate this Order. | rson for service of legal papers related to |
| (7) | | ☐ Stay-Away Orders | |
| | a. | a. You must stay at least yards away from (check all that a | apply): |
| | | | ild care of the children of |
| | | (2) \square Each person in \mathfrak{J} . the person in \mathfrak{I} |). |
| | | (3) \square The home of the person in \bigcirc . (8) \square The vehicle of | the person in 1. |
| | | (4) \square The job or workplace of the person (9) \square Other (specify). | : |
| | | (5) \square The school of the person in \bigcirc . | |
| | | (6) The school of the children of the person in 1. | |
| | b. | b. This stay-away order does not prevent you from going to or from your | home or place of employment. |
| | | | |

| No Guns or Other Firearms and Ammunition a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get gu other firearms, or ammunition. b. If you have not already done so, you must: • Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to law enforcement agency, any guns or other firearms in your immediate possession or control. • File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearm have been turned in, sold, or stored. (You may use form CH-800. Proof of Firearms Turned In, Sold, or Stored, for the receipt.) c. | | | | |
|--|--|--|---------------------------|--------------|
| other firearms, or ammunition. b. If you have not already done so, you must: • Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to law enforcement agency, any guns or other firearms in your immediate possession or control. • File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearm have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) c. | / | try to receive, or i | in any other way get s | gun |
| Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to law enforcement agency, any guns or other firearms in your immediate possession or control. File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearm have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) c. | | if to receive, or r | m any other way get g | Sun |
| law enforcement agency, any guns or other firearms in your immediate possession or control. File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearm have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) C. The court has received information that you own or possess a firearm. d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (specify make, model, and serial number of firearm): The firearm must be in his or her physical possession only during scheduled work hours and during trave and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm. Lawyer's Fees and Costs The person in must pay to the person in the following amounts for lawyer's fees costs: Item Amount ltem Amount s s Additional items and amounts are attached at the end of this Order on Attachment 9. Possession and Protection of Animals a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) | b. If you have not already done so, you must: | | | |
| have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.) c. | law enforcement agency, any guns or other firearms in your i | immediate possessi | ion or control. | |
| d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (specify make, model, and serial number of firearm): The firearm must be in his or her physical possession only during scheduled work hours and during trave and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm. Lawyer's Fees and Costs The person in must pay to the person in the following amounts for lawyer's fees costs: Item Amount s \$ Amount \$ Possession and Protection of Animals a The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) b The person in ② must stay at least yards away from, and not take, sell, transfer, encumber, concomolest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | have been turned in, sold, or stored. (You may use form CH-8 | | | |
| Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (specify make, model, and serial number of firearm): The firearm must be in his or her physical possession only during scheduled work hours and during trave and from his or her place of employment. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm. Lawyer's Fees and Costs The person in must pay to the person in the following amounts for lawyer's fees costs: Item Amount s \$ Additional items and amounts are attached at the end of this Order on Attachment 9. Possession and Protection of Animals a The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) b The person in ② must stay at least yards away from, and not take, sell, transfer, encumber, concernic molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | c. The court has received information that you own or possess a | a firearm. | | |
| The person in must pay to the person in the following amounts for lawyer's fees costs: Item Amount | Civil Procedure section 527.9(f). Under California law, the perfirearm (specify make, model, and serial number of firearm): The firearm must be in his or her physical possession only duand from his or her place of employment. Even if exempt under the complex of the section of the complex of | erson in 2 is not a uring scheduled wo der California law, | required to relinquish to | this avel |
| The person in must pay to the person in the following amounts for lawyer's fees costs: Item | ☐ I awver's Fees and Costs | | | |
| lawyer's fees | • | amounts for | | |
| Item Amount Item Amount \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ | | amounts for | | |
| Additional items and amounts are attached at the end of this Order on Attachment 9. Possession and Protection of Animals a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) b. The person in 2 must stay at least yards away from, and not take, sell, transfer, encumber, concerning the person in | Item Amount | | | |
| □ Possession and Protection of Animals a. □ The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) b. □ The person in ② must stay at least yards away from, and not take, sell, transfer, encumber, concerning molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | | | \$ | |
| a. The person in 1 is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.) b. The person in 2 must stay at least yards away from, and not take, sell, transfer, encumber, concerning molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | Additional items and amounts are attached at the end of this | Order on Attachme | ent 9. | |
| owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (<i>Identify animals by, e.g., type, breed, name, color, sex.</i>) b. The person in 2 must stay at least yards away from, and not take, sell, transfer, encumber, concerning molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | ☐ Possession and Protection of Animals | | | |
| molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. | owned, possessed, leased, kept, or held by him or her, or residual | | | ; |
| Other Orders (specify): | <u> </u> | | | nce |
| | ☐ Other Orders (specify): | | | |
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| | This is a Court Order | 4 | | |

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

| | To the Person in 1: |
|--------------|---|
| (12) | Mandatory Entry of Order Into CARPOS Through CLETS |
| | This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (<i>Check one</i>): |
| | a. The clerk will enter this Order and its proof-of-service form into CARPOS. |
| | b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS. |
| | c. By the close of business on the date that this Order is made, the person in or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS: |
| | Name of Law Enforcement Agency Address (City, State, Zip) |
| | Additional law enforcement agencies are listed at the end of this Order on Attachment 12. |
| (13) | Service of Order on Restrained Person |
| | a. The person in 2 personally attended the hearing. No other proof of service is needed. |
| | b. The person in 2 did not attend the hearing. |
| | (1) Proof of service of form CH-110, <i>Temporary Restraining Order</i>, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in 2 must be served with this Order. Service may be by mail. |
| | (2) The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in 1 or 3—must personally serve a copy of this Order on the person in 2. |
| 14) | ☐ No Fee to Serve (Notify) Restrained Person |
| | The sheriff or marshal will serve this Order without charge because: |
| | a. The Order is based on unlawful violence, a credible threat of violence, or stalking. b. The person in is entitled to a fee waiver. |
| 15) | Number of pages attached to this Order, if any: |
| Date | : |
| | Judicial Officer |
| | |

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

Warning and Notice to the Restrained Person in 2:

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

| Case Number: | | |
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Conflicting Orders—Priorities of Enforcement

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

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

| Clerk's Certificate [seal] | | (Clerk will fill out this part.) —Clerk's Certificate— | |
|-------------------------------|-------|---|----------------------------|
| | • | this Civil Harassment Restraining Order A of the original on file in the court. | fter Hearing is a true and |
| J | Date: | Clerk, by | , Deput |

EA-120

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

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

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

| (U | se form EA-250, Proof of Service of Response by Mail.) | |
|----|---|--|
| 1 | Elder or Dependent Adult Seeking Protection | Fill in court name and street address: |
| | Name: | Superior Court of California, County of |
| | ☐ Name of person asking for the protection, if different (<i>This i person named in item</i> ③ <i>of the request (form EA-100).):</i> | s the |
| 2 | Person From Whom Protection Is Sought a. Your Name: | |
| | Your Lawyer (if you have one for this case): | Court fills in case number when form is filed. |
| | Name: State Bar No.: | Case Number: |
| | Firm Name: | |
| | b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.): | Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109 item (3) here: Time: |
| | Address: | Room. |
| | City: State: Zip: | If you were served with a Temporary Restraining Order, you must obey it until the |
| | Telephone: Fax: | hearing. At the hearing, the court may make |
| | E-Mail Address: | orders against you that last for up to five years. |
| 3 | □ Personal Conduct Orders | |
| | a. I agree to the orders requested. | |
| | b. I do not agree to the orders requested. (Specify why you d | isagree in item (12) on page 4.) |
| | c. I agree to the following orders (Specify below or in item) | on page 4.) |
| 4 | ☐ Stay-Away Orders | |
| _ | a. I agree to the orders requested. | |
| | b. | |

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE

JUDICIAL COUNCIL



| | | Case Number: |
|---|---|--|
| 5 | | |
| 6 | ☐ Additional Protected Persons a. ☐ I agree that the persons listed in item 6 of form EA-100 may be protected. b. ☐ I do not agree that the persons listed in item 6 of form EA-100 may | |
| 7 | Guns or Other Firearms and Ammunition If you were served with form EA-110, <i>Temporary Restraining Order</i> , you other firearms, or ammunition. (See item (8) of form EA-110.) You must dealer, or turn in to a law enforcement agency, any guns or other firear control within 24 hours of being served with form EA-110. You must file use form EA-800, <i>Proof of Firearms Turned In</i> , <i>Sold</i> , <i>or Stored</i> for the results of the second served in the second served served in the second served in the second served in the second served served in the second served serve | et sell to or store with a licensed gun ms in your immediate possession or e a receipt with the court. You may |
| | a. | er is unable to reassign me to another Put your complete answer on an attached |
| | c. I have turned in my guns and firearms to the police or sold them to on | r stored them with a licensed gun dealer. |
| 8 | A copy of the receipt | item (12) on page 4.) |
| | | |

| _ | | |
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| 9) | | |
| | a. I agree to the orders requested. | |
| | b. I do not agree to the orders requested. (Specify why you disagree in item 12) I some to the following and my (Specify hydrogen in item 12) | on page 4.) |
| | c. I agree to the following orders (Specify below or in item 12 on page 4.) | |
| | | |
| | | |
| _ | | |
| 0 | Denial | |
| | I did not do anything described in item (10) of form EA-100. (Skip to (12).) | |
| 1) | 1) Justification or Excuse | |
| ノ | If I did some or all of the things that the person in 1 has accused me of, my action the following reasons (explain): | s were justified or excused for |
| | ☐ Check here if there is not enough space below for your answer. Put your composition of paper and write "Attachment 11–Justification or Excuse" as a title. You may | |
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| | Reasons I Do Not Agree to | the Or | ders Request | ed | | |
|------------------|--|-------------|--------------------|------------------------|----------------|---------------|
| Exp | Explain your answers to each order requested that you do not agree with. | | | | | |
| | Check here if there is not enough s of paper and write "Attachment 12 | - | | | | |
| | | | | | | |
| _ | | | | | | |
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| | Lawyer's Fees and Costs | | | | | |
| a. | ☐ I ask the court to order paymen | nt of my | ☐ lawyer's fe | | s. The amoun | |
| | <u>Item</u> | \$ | <u>Amount</u> | <u>Item</u> | \$ | <u>Amount</u> |
| | | \$\$ | | | 4 | |
| | | \$ | | | \$ _ | |
| | Check here if there are more item "Attachment 13—Lawyer's Fees | | | | | |
| b. | I ask the court to deny the requestional lawyer's fees and costs. | uest of the | e person asking fo | or protection named in | n 1 that I pay | his or her |
| Nuı | mber of pages attached to this form | n, if any: | | | | |
| Dat | e: | | | | | |
| | | | \ | | | |
| Lav | vyer's name (if any) | | | awyer's signature | | |
| I de | eclare under penalty of perjury uncattachments is true and correct. | | | California that the in | formation abo | ve and on |
| Dat | e: | | | | | |
| | | | | • | | |
| \overline{Typ} | pe or print your name | | | ign your name | | |

| | | Dependent Adul ng Order After I | | Clerk stamps date here when form is filed. |
|---|---|--|------------------------------------|--|
| ı | Person in 1 must complete item Elder or Dependent Adult a. Full Name: Dependent Adult a. Full Name of person asking for person named in item Entl Name: | s(1), (2), and (3) only Seeking Protection The protection, if difference in the protection is the protection in the protection in the protection is the protection in the protection in the protection in the protection is the protection in the pr | on ferent (This is the CA-100).): | DRAFT NOT APPROVED BY TH JUDICIAL COUNCIL |
| | Lawyer for person named abo | | | |
| | Name: | State Ba | ar No.: | |
| | Firm Name: | | | Fill in court name and street address: Superior Court of California, County |
| | private, you may give a differ have to give telephone, fax, of Address: City: | r e-mail.): State: | Zip: | |
| | Telephone:E-Mail Address: | | | Case Number: |
| | - | | | |
|] | Restrained Person Full Name: Description: | | | - |
|] | Restrained Person Full Name: Description: | | | e of Birth: |
|] | Restrained Person Full Name: Description: Sex: M F Height: _ | Weight: | Date | e of Birth:Race: |
|] | Restrained Person Full Name: Description: Sex: M F Height: _ | Weight: | Date | Race: |
|] | Restrained Person Full Name: Description: Sex: M F Height: Hair Color: Home Address (if known): | Weight: Eye Color: | Date | Race: |

4 Expiration Date

This Order, except for any award of lawyer's fees, expires at:

Time: _____ a.m. p.m. midnight on (date): ____

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

This is a Court Order.

"Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.



| 5) | Н | earing |
|------------|----|---|
| \cup | a. | There was a hearing on (date): at (time): in Dept.: Room: |
| | | (Name of judicial officer): made the orders at the hearing. |
| | b. | These people were at the hearing: |
| | | (1) The elder or dependent adult in need of protection |
| | | (2) The lawyer for the elder or dependent adult (name): |
| | | (3) ☐ The person in (1) asking for protection (if not the elder or dependent adult) (4) ☐ The lawyer for the person in (1) asking for protection (name): |
| | | (4) ☐ The lawyer for the person in (1) asking for protection (name): (5) ☐ The person in (2). |
| | | (6) The lawyer for the person in (2) (name): |
| | | Additional persons present are listed at the end of this Order on Attachment 5. |
| | c. | ☐ The hearing is continued. The parties must return to court on (date): at (time): |
| | | To the Person in 2: |
| | | The court has granted the orders checked below. If you do not obey these orders, you can be |
| | | arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up |
| | | to \$1,000, or both. |
| 6) | | Personal Conduct Orders |
| | a. | You must not do the following things to the elder or dependent adult named in 1 |
| | | and to the other protected persons listed in 3: |
| | | (1) \square Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually |
| | | or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person. |
| | | (2) Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, |
| | | or by other electronic means. |
| | | (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has |
| | | found good cause not to make this order. |
| | | (4) ☐ Other (specify):☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4). |
| | | Other personal conduct orders are attached at the end of this Order on Attachment oa(4). |
| | b. | Peaceful written contact through a lawyer or a process server or other person for service of legal papers related |
| | | to a court case is allowed and does not violate this order. |
| 7 | | Stay-Away Orders |
| | a. | You must stay at least yards away from (check all that apply): |
| | | (1) \square The elder or dependent adult in \bigcirc . (5) \square The vehicle of the elder or dependent adult. |
| | | (2) \square Each person in \bigcirc . (6) \square Other (specify): |
| | | (3) U The home of the elder or dependent adult. |
| | | (4) The job or workplace of the elder |
| | | or dependent adult. |
| | | This is a Court Order |

| 7) | b. | This stay-away order does not prevent you from going to or from your home or place of employment. |
|-------------|---------|--|
| B | | Move-Out Order You must immediately move out from and not return to (address): |
| | | |
| | | and must take only the personal clothing and belongings you need. |
| 9 [| _ Th | No Guns or Other Firearms and Ammunition is Order must be granted unless the abuse is financial only. |
| | a. | You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition. |
| 1 | b. | If you have not already done so, you must: |
| | | • Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order. |
| | | • File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (<i>You may use form EA-800</i> , Proof of Firearms Turned In, Sold, or Stored, <i>for the receipt.</i>) |
| , | c. | ☐ The court has received information that you own or possess a firearm. |
| | d. | The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm (specify make, model, and serial number of firearm): The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm. |
| 10) | Fi | nancial Abuse |
| , | Th | is case does not does involve solely financial abuse unaccompanied by force, threat, harassment, imidation, or any other form of abuse. |
| 11) | | Possession and Protection of Animals |
| | a. | ☐ The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (<i>Identify animals by, e.g., type, breed, name, color, sex.</i>) |
| | | |
| | | |
| | | |
| | b. | ☐ The person in ② must stay at least yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above. |

| You | must pay to the person | in 1 the following amo | unts for lawyer's | s fees costs: |
|---|---|---|--|--|
| | <u>Item</u> | <u>Amount</u> | <u>Item</u> | <u>Amount</u> |
| | | \$ | | |
| | | <u> </u> | | \$ |
| | Additional amounts are | attached at the end of this | Order on Attachment 12 | |
| ☐ Oth | ner Orders (specify): | • | | |
| | - (j.) | | | |
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| ☐ Add | itional orders are attach | ned at the end of this Order | r on Attachment 13. | |
| | itional orders are attach | ned at the end of this Order | | |
| | itional orders are attach | ned at the end of this Order To the Pers | | |
| _ | | To the Pers | on in 1 : | |
| Manda | atory Entry of Orde | To the Perser Into CARPOS Thro | on in 1 : ough CLETS | System (CARPOS) through th |
| Manda This Ore | atory Entry of Orded | To the Perser Into CARPOS Throother the California Restrainin | on in 1: ough CLETS ag and Protective Order S | System (CARPOS) through the |
| Manda This Ore | atory Entry of Orded der must be entered into hia Law Enforcement T | To the Perser Into CARPOS Through the California Restraining Selecommunications System | on in 1: ough CLETS ag and Protective Order S on (CLETS). (Check one) | : |
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| Manda This Ord Californ a. — | atory Entry of Orded der must be entered into hia Law Enforcement T The clerk will enter this | To the Perser Into CARPOS Throso the California Restraining Selecommunications Systems Order and its proof-of-ser | on in 1: Dugh CLETS ag and Protective Order S an (CLETS). (Check one) arvice form into CARPOS | : |
| Manda This Ord Californ a. D. This Ord Californ This Ord This | atory Entry of Orded der must be entered into hia Law Enforcement T The clerk will enter this | To the Perser Into CARPOS Throso the California Restraining Selecommunications Systems Order and its proof-of-ser | on in 1: Dugh CLETS ag and Protective Order S an (CLETS). (Check one) arvice form into CARPOS | : I. |
| Manda This Ord Californ a. | etory Entry of Ordeder must be entered into hia Law Enforcement To the clerk will enter this of the clerk will transmit to the CARPOS. | To the Perser Into CARPOS Throso the California Restraining Selecommunications Systems Order and its proof-of-senthis Order and its proof-of- | on in (1): Dugh CLETS ag and Protective Order S an (CLETS). (Check one) rvice form into CARPOS -service form to a law en | : forcement agency to be enter |
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| Manda This Ord Californ a. | der must be entered into the clerk will enter this The clerk will transmit to the CARPOS. By the close of business the Order and its proof-CARPOS: | To the Perser Into CARPOS Thromother California Restraining Selecommunications Systems Order and its proof-of-senthis Order | on in (1): Dugh CLETS ag and Protective Order S an (CLETS). (Check one) rvice form into CARPOS service form to a law en ar is made, you or your la enforcement agency liste | : forcement agency to be enter wyer should deliver a copy or ed below to enter into |

| 15) | Service of Order on Restrained Person |
|-------------|---|
| | a. The person in personally attended the hearing. No other proof of service is needed. |
| | b. The person in was at the hearing. The person in was not. |
| | (1) Proof of service of form EA-110, <i>Temporary Restraining Order</i> , was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in 2 must be served with this Order. Service may be by mail. |
| | (2) Proof of service of form EA-110, <i>Temporary Restraining Order</i> , was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②. |
| 16) | No Fee to Serve (Notify) Restrained Person |
| | If the sheriff or marshal serves this Order, he or she will do so for free. |
| 17) | Number of pages attached to this Order, if any: |
| | |
| | Date: |
| | Judicial Officer |

Warning and Notice to the Restrained Person in 2:

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 5. 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. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

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

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

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities of Enforcement

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

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

| | Date: | Clerk, by | , Deputy |
|-------------------------------|-------|---|----------|
| | • | this Elder or Dependent Adult Abuse Restrains correct copy of the original on file in the cour | |
| Clerk's Certificate [seal] | | (Clerk will fill out this part.) —Clerk's Certificate— | |

GV-120

Response to Petition for Firearms Restraining Order

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

- Read *How Can I Respond to a Petition for Firearms Restraining Order?* (form GV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner or to his or her lawyer. (*Use form GV-250*, Proof of Service by Mail.)

| DRAFT |
|---------------------|
| Not approved by the |
| Judicial Council |
| |

Clerk stamps date here when form is filed.

| Petitioner Name of person scaling order (see form CV 100, item 1): | | | Fill in court name and street address: | |
|---|--|---|---|--|
| Name of person seeking order (see form GV-100, item 1): | | Superior Court of California, County of | | |
| Respondent | | | | |
| a. Your Name: | | | | |
| Your Lawyer (if you have one | e for this case): | | _ | |
| Name: | State Bar No.: | | _ | |
| Firm Name: | | | See Petition for case number and fill in: | |
| | nd want to keep your home ad ent mailing address instead. Y | ldress | Case Number: | |
| | , | Re prer | pared to present your opposition at the | |
| | S | | Write your hearing date, time, and pla | |
| City: | | | orm GV-109 item (3)here: | |
| Telephone: | | | Doto: Timo: | |
| E-mail Address: | | Hearin Date | Date: Time: | |
| Firearms Restraining Order | | | Dept.: Room: | |
| I do not agree to the order because: | r requested in the Petition | was iss | mporary Firearms Restraining Orde ued, you must obey it until the hearin nearing, the court may make an order | |
| | enough space below for your te answer on an attached shee | against | you for one year. | |
| | e answer on an anachea snee chment 3—Reasons I Disagree | | | |
| as a title. You may use for | | | | |
| as a title. I sti may use joi | 711 1710 023, Frederiniona | | | |
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| | | | | |

I did not do anything described in item (6) of form GV-100.



| 5 | ☐ Justification or Excuse If I did some or all of the things that the Petitioner has accused me of, my act following reasons (explain): | ions were justified or excused for the | | | | |
|---|--|--|--|--|--|--|
| | Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5–Justification or Excuse" as a title. You may use form MC-025, Attachment. | | | | | |
| | | | | | | |
| | Surrender of Firearms and Ammunition | | | | | |
| | If a <i>Temporary Firearms Restraining Order</i> (form GV-110) was issued, you cannot own or possess any guns, other firearms, or ammunition. (See item 5) of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, and ammunition in your immediate possession or control within 24 hours of being served with form GV-110. You must file a receipt with the court. You may use form GV-800, <i>Proof of Firearms Turned In, Sold, or Stored</i> for the receipt. | | | | | |
| | a. | • | | | | |
| 7 | Number of pages attached to this form, if any: | | | | | |
| | Date: | | | | | |
| | Lawyer's name (if any) Lawyer's sign | nature | | | | |
| | I declare under penalty of perjury under the laws of the State of California that all attachments is true and correct. | | | | | |
| | Date: | | | | | |
| | Type or print your name Sign your name | ne | | | | |

SV-120

Response to Petition for Private Postsecondary School Violence Restraining Orders

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

- Read How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (form SV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the

| | pa | equipment of stawyer by that with a copy of this form and any auges. (Use form SV-250, Proof of Service of Response by Mai | 1.) | | t of California, County of |
|-------------|-----|--|--|--|----------------------------|
| (1) | | titioner (Educational Institution Officer or Empl | oyee) | | |
| (2) | Stı | udent Seeking Protection | | | |
| _ | Ful | l Name: | | Fill in case number | r: |
| 3 | | espondent (Person From Whom Protection Is So Your Name: | ought) | Case Number: | |
| | | Your Lawyer (if you have one for this case): | | | |
| | | Name: State Bar No.: Firm Name: | | | |
| 4 | b. | Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer): Address: City: State: Zip: Telephone: Fax: E-Mail Address: Personal Conduct Orders a. I agree to the orders requested. b. I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.) c. I agree to the following orders (Specify below or in in item 11). | Hearing place find the place find th | Dept.: ere served with ling Order, you At the hearing, against you that la | Room: |
| 5 | | Stay-Away Orders | | | |
| _ | | a. I agree to the orders requested. | | | |
| | | b. \(\subseteq\) I do not agree to the orders requested. (Specify why) | ou disagre | e in item 11 on | page 3.) |
| | | c. I agree to the following orders (Specify below or in i | tem 11 on | page 3.) | |

Clerk stamps date here when form is filed.

DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL

| Superior Court of | California, Coun | ty of |
|---------------------|------------------|-------|
| | | |
| | | |
| | | |
| | | |
| ill in case number: | | |
| Case Number: | | |
| | | |
| | | |

| | ۸ طط: <u>د</u> | ional Protected Persons |
|--|---|---|
| o | a. \square | I agree that the persons listed in item (4) of the Petition may be protected by the order requested. |
| | b. [| I do not agree that the persons listed in item (4) of the Petition may be protected by the order requested. |
| If you other enforces being the contract of th | ou wer er firea orceme ng serv | s Prohibition and Relinquishment e served with form SV-110, Temporary Restraining Order, you cannot own or possess any guns, arms, or ammunition. You must sell to or store with a licensed gun dealer, or turn in to a law nt agency, any guns or other firearms in your immediate possession or control within 24 hours of ed with form SV-110. (See item 8) of form SV-110.) You must file a receipt with the court. You arm SV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt. |
| | a. 🗌 | I do not own or control any guns or other firearms. |
| | b. 🗆 | I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (<i>Explain</i>): |
| | | Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment. |
| | | |
| | | |
| | c. 🗌 | I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. has already been filed with the court. |
| Q | Other | · Orders |
| o) – | | I agree to the orders requested. |
| | b. 🗌 | I do not agree to the orders requested. (Specify why you disagree in item 1 on page 3.) |
| | c. 🗌 | I agree to the following orders (Specify below or in item (1) on page 3.) |
| | | |
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| | | |
| · / — | Denia | _ |
| | ı ulu il(| ot do anything described in item (8) of form SV-100. (Skip to (1).) |

| 0 | Justification or Excuse |
|----|--|
| | did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the lowing reasons (explain): |
| | Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment. |
| | |
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| | |
| 1) | Reasons I Do Not Agree to the Orders Requested |
| 1 | Reasons I Do Not Agree to the Orders Requested plain your answers to each order requested that you do not agree with. |
| 1 | |
| 1) | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1) | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |
| 1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet |

| | ee for Filing | | | _ |
|-------------|---|---|----------------------------|------------------------------|
| a. 🗆 | I ask the court to ventitled to free fili | vaive the filing fee because the ng. | e petitioner claims in for | rm SV-100 item (14) to be |
| b. 🗆 | | be required to pay the filing for to Waive Court Fees, <i>must be</i> | | for a fee waiver. (Form |
| □ Costs | | | | |
| a. 🗌 | I ask the court to o | order the petitioner to pay my o | court costs. The amounts | requested are: |
| | <u>Item</u> | Amount \$ | <u>Item</u> | Amount \$ |
| | | | | \$ |
| · | | \$ | | \$ |
| | | e are more items. Put the item t 13—Costs" for a title. You m | | |
| b. 🗆 | | leny the request of the person | asking for protection tha | at I pay his or her lawyer's |
| | fees and costs. | | | |
| | | | | |
| | | | | |
| Number of | pages attached to the | his form, if any: | | |
| | | | | |
| | | | | |
| Date: | | | | |
| Date | | | | |
| | | | | |
| | | <u> </u> | | |
| Lawyer's n | name (if any) | Law | yer's signature | |
| | | | | |
| | | | | |
| | | | | |
| I declare u | nder penalty of perj | ury under the laws of the State | of California that the ir | nformation above is true ar |
| correct. | | | | |
| | | | | |
| Date: | | | | |
| - | | - | | |
| | | | | |
| | | <u> </u> | | |
| T | int your name | Sign | ı your name | |

SV-130

E-Mail Address:

City: Telephone:

| S | V-130 | Private Postsecondary S Violence Restraining Ord Hearing | | Clerk stamps date here when form is filed. |
|----|--------------|--|--------------------|--|
| | • | ucational Institution Officer | or Employee) | DRAFT |
| a. | Name: | titioner (if any, for this case): | | NOT APPROVED BY THE JUDICIAL COUNCIL |
| | Name: | State Bar | r No.: | |
| | Firm Name: | | | _ |
| b. | Your Address | (If you have a lawyer, give your lawy | yer's information. | : Fill in court name and street address: |
| | Address: | | | Superior Court of California, County of |
| | City: | State: | Zip: | _ |
| | Talanhona | Fav | | |

| 2 | Student (Protected Person) | Court fills in case number when form is filed. | |
|---|----------------------------|--|--|
| | Full Name: | Case Number: | |

| 3 | Respondent (| Restrained | Person | |
|---|--------------|------------|--------|--|
| | Full Name: | | | |

| Description: | | | |
|---------------------------|-------------|----------------|-----|
| Sex: M F Heig | ht: Weight: | Date of Birth: | |
| Hair Color: | Eye Color: | Age: Race: | |
| Home Address (if known) | : | | |
| City: | | | ip: |
| Relationship to Protected | Person: | | |

| 4) | ☐ Additional Protected Persons |
|------------|--|
| | In addition to the student, the following family or household members or other students are protected by the |
| | temporary orders indicated below: |

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household Member?</u> | Relation to student |
|--|------------|------------|---------------------------|---------------------|
| | | | ☐ Yes ☐ No | |
| | | | Yes No | |
| | | | Yes No | |
| Additional protected persons are listed at the | end of | f this O | - rder on Attachment 4 | |

Expiration Date 5 This Order, except for any award of lawyer's fees, expires at:

| | series of the great series | |
|-------|--|---------------|
| Date: | Time: | ☐ a.m. ☐ p.m. |

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



| | | Case Number: |
|----|---|---|
| 3) | Hearing | |
| | a. There was a hearing on (date): | made the orders at the hearing. me): (name): Attachment 6b. date): at (time): |
| | arrested and charged with a crime. You may be sent to jail for to \$1,000, or both. | • |
| 7) | a. You are ordered not do the following things to the student □ and to the other protected persons listed in (4): (1) □ Harass, molest, strike, assault (sexually or otherwise), batter disturb the peace of the person. (2) □ Commit acts of violence or make threats of violence agains (3) □ Follow or stalk the person during school hours or to or from (4) □ Contact the person, either directly or indirectly, in any way telephone, in writing, by public or private mail, by interoffs or by other electronic means. (5) □ Enter the person's school. (6) □ Take any action to obtain the person's address or locations found good cause not to make this order. (7) □ Other (specify): □ Other personal conduct orders are attached at the end or expected written contact through a lawyer or a process server or other. | st the person. In the school. It is, including, but not limited to, in person, by ice mail, by e-mail, by text message, by fax, If this item is not checked, the court has If this Order on Attachment 7a(7). |
| | to a court case is allowed and does not violate this order. This is a Court Order. | |

| 8 | St | ay-Away Order | | | | | |
|----|----|---|--|---|---|--|---|
| | a. | You must stay at least | yards away | from (ch | eck all that app | ly): | |
| | | (1) The student. | | (7) | The student's | children's plac | e of child care. |
| | | (2) Each other protected per | rson listed in 4 . | (8) | The student's | vehicle. | |
| | | (3) The school. | | (9) | Other (specify) | : | |
| | | (4) \square The student's home. | | | | | |
| | | (5) \square The student's job or wo | rkplace. | | | | |
| | | (6) The student's children's | school. | | | | |
| | b. | This stay-away order does not p | revent you from g | going to o | r from your ho | ne or place of | employment. |
| 9) | a. | You cannot own, possess, have other firearms, or ammunition If you have not already done so, (1) Sell to or store with a licens in your immediate possessi Order. (2) File a receipt with the court turned in, sold, or stored. (1) receipt.) The court has received infor | you must: sed gun dealer or on or control. Thi within 48 hours of our may use form | turn in to as must be of receiving SV-800, 1 | a law enforcen done within 24 ng this Order the Proof of Firearn ssess a firearm. | nent agency and hours of being that proves that the mean of the mean that the mean the mean that the mean the mean the mean that | y guns or other firearms ag served with this your guns have been Sold, or Stored, for the |
| | u. | Civil Procedure section 527. firearm (specify make, model The firearm must be in his or and from his or her place of a subject to federal prosecution | P(f). Under Califor, and serial number her physical postermployment. Even | ornia law, oer of fired session or n if exem | the person in (sarm): ally during sche pt under Califo | is not required is is not required is not required is not required in the second in the second is not required in the second is not required in the second i | red to relinquish this urs and during travel to |
| 10 | | Costs | | | | | |
| | | You must pay the following am | ounts for costs to | the petiti | oner: | | |
| | | <u>Item</u> | Amount | | <u>Item</u> | L | Amount |
| | | | \$ | — — | | | |
| | | | \$ | | | | \$ |
| | | | \$ | | | | |

| | Case Number: |
|-------------|---|
| 11) | Other Orders (specify): |
| | |
| | Additional orders are attached at the end of this Order on Attachment 11. To the Person in 1: |
| 12) | Mandatory Entry of Order Into CARPOS Through CLETS |
| <u>-</u>) | This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (<i>Check one</i>): |
| | a. The clerk will enter this Order and its proof-of-service form into CARPOS. |
| | b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS. |
| | c. By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS: |
| | Name of Law Enforcement Agency Address (City, State, Zip) |
| | Additional law enforcement agencies are listed at the end of this Order on Attachment 12. |
| | |
| 13) | Service of Order on Respondent a. The respondent personally attended the hearing. No other proof of service is needed. |
| | |
| | b. The respondent did not attend the hearing. (1) Proof of service of form SV-110, <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 |
| | If the sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking. |
| 15) | Number of pages attached to this Order, if any: |
| | The Order is based on actual violence, a credible threat of violence, or stalking. The petitioner is entitled to a fee waiver. |
| | Date: |
| | Judicial Officer |
| | This is a Court Order. |

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

Warning and Notice to the Respondent:

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item (5) on page 1.

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

| Clerk's Certificate [seal] | (Clerk will fill out this part.) —Clerk's Certificate— | |
|-------------------------------|--|----------|
| | I certify that this <i>Private Postsecondary School V Hearing</i> is a true and correct copy of the original | |
| Da | ate: Clerk, by | , Deputy |

WV-120

Response to Petition for Workplace Violence Restraining Orders

Use this form to respond to the Petition (form WV-100)

- Read How Can I Respond to a Petition for Workplace Violence Restraining Orders? (form WV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner or the petitioner's lawyer by mail with a copy of this form and any attached

| | pa | ges. (Use form WV-250, Proof of Service of Response by Ma | iil.) | Superior Court | of California, County of |
|-------------|-----|--|--|--|--------------------------|
| 1 | | titioner (Employer) me: | _ | | |
| (2) | En | nployee Seeking Protection | | | |
| | Ful | l Name: | | Fill in case number: | |
| 3 | | espondent (Person From Whom Protection Is So Your Name: | ought) | Case Number: | |
| | | Your Lawyer (if you have one for this case): | | | |
| | | Name: State Bar No.: Firm Name: | | | |
| 4 | b. | Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer): Address: City: State: Zip: Telephone: Fax: E-Mail Address: Personal Conduct Orders a. | hearing place f Hearing Date If you we Restrain hearing. | g. Write your hear from form WV-10 Date: Dept.: ere served with a ning Order, your At the hearing, the | Time:Room: |
| | | (Specify why you disagree in item 11 on page 3.) c. ☐ I agree to the following orders (Specify below or in item) | tem 11 on | n page 3.) | |
| 5 | | Stay-Away Orders a. I agree to the orders requested. | 7. | | 2.) |
| | | b. □ I do not agree to the orders requested. (Specify why y c. □ I agree to the following orders (Specify below or in i) | | | page 3.) |
| | | | | 1 0 | |

Clerk stamps date here when form is filed.

DRAFT 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: |
| |
| |
| |
| |

| I agree that the persons listed in item 4 of the Petition may be protected by the order requested. |
|--|
| I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested. |
| s Prohibition and Relinquishment re served with form WV-110, <i>Temporary Restraining Order</i> , you cannot own or possess any guns, earms, or ammunition. You must sell to or store with a licensed gun dealer, or turn in to a law ent agency, any guns or other firearms in your immediate possession or control within 24 hours of wed with form WV-110. (See item ⓐ of form WV-110.) You must file a receipt with the court. You form WV-800, <i>Proof of Firearms Turned In</i> , <i>Sold</i> , <i>or Stored</i> for the receipt. |
| I do not own or control any guns or other firearms. |
| I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (<i>Explain</i>): |
| Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment. |
| |
| I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt \square is attached. \square has already been filed with the court. |
| er Orders |
| I agree to the orders requested. |
| I do not agree to the orders requested. (Specify why you disagree in item 11) on page 3.) |
| I agree to the following orders (Specify below or in item 1 on page 3.) |
| |
| |
| |
| |
| |

| 0) | | Justification or Excuse | |
|----------|----------|--|-----|
| ∠ | | did some or all of the things that the petitioner has accused me of, my actions were justified or excused for lowing reasons (explain): | the |
| | | Check here if there is not enough space below for your answer. Put your complete answer on an attached she of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment 10—Justification or Excuse as a title. | |
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| | | | |
| 1) | Ex | Reasons I Do Not Agree to the Orders Requested plain your answers to each order requested that you do not agree with. | |
| 1 | Ex_{j} | | |
| 1 | Ex_1 | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sh | |
| 1) | | plain your answers to each order requested that you do not agree with. Check here if there is not enough space below for your answer. Put your complete answer on an attached sh | |
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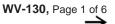
| entitled to free fil | | | |
|--|---|---------------------------|-----------------------------|
| | t be required to pay the filin to Waive Court Fees, <i>must</i> | | e for a fee waiver. (Form |
| Costs | | | |
| a. I ask the court to | order the petitioner to pay m | y court costs. The amoun | ts requested are: |
| <u>Item</u> | Amount | <u>Item</u> | Amount |
| | <u> </u> | | \$ |
| - | | | |
| Chaok have if the | | | |
| | re are more items. Put the it at 13—Costs" for a title. You | | |
| Write Tittletunen | 13 Costs Joi a title. 101 | i may use joini me 025, 1 | Tituellii elit. |
| fees and costs. | the request of the person this form, if any: | | nat I pay his or her lawyer |
| fees and costs. | | | nat I pay his or her lawyer |
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| fees and costs. The sumber of pages attached to the sumber of | | Lawyer's signature | |
| fees and costs. The state of t | this form, if any: | Lawyer's signature | |

| WV-130 | Order A | fter Hearing | | | | |
|--|--|---|-----------------|---|-----------------------------|-------------------------------|
| Petitioner | (Employer) | | | | | DRAFT |
| a. Name: _ | | | | | NOT A | APPROVED BY THE |
| Lawyer f | or Petitioner (if any | , for this case): | | | JU | DICIAL COUNCIL |
| Name: | | Stat | e Bar No.:_ | | | |
| | ne: | | | | | |
| b. Your Address: | dress (If you have a | lawyer, give your | lawyer's inf | formation): | | me and street address: |
| | | Stata | 7in: | | Superior Co | ourt of California, County |
| City: | | State: | | | | |
| Telephon | <u> </u> | Fax: | | | | |
| T: N/La:1 A | adress: | | | | | |
| E-Mail A | | | | | | |
| | | | | | Court fills in ca | ase number when form is filed |
| Employee Full Name: Responde | e (Protected Per | rson) | | | Court fills in ca | |
| Employee Full Name: | Protected Perent (Restrained | rson) | | | | |
| Employee Full Name: Responde Full Name: Description: | e (Protected Per | Person) | | | Case Numb | per: |
| Employee Full Name: Responde Full Name: Description: Sex: \(\sum \) M | ent (Restrained | Person) Weigl | nt: | Date o | Case Numb | per: |
| Employee Full Name: Responde Full Name: Description: Sex: M Hair Color Home Add | e (Protected Perent (Restrained | Person) Weigl Eye Color: | nt: | Date o | of Birth:Race: | per: |
| Employee Full Name: Responde Full Name: Description: Sex: M Hair Color Home Add | e (Protected Perent (Restrained | Person) Weigl Eye Color: | nt: | Date o | of Birth:Race: | per: |
| Employee Full Name: Responde Full Name: Description: Sex: M Hair Color Home Add City: | e (Protected Perent (Restrained | Person) Weight | nt: | Date o | of Birth: Race: | Zip: |
| Employee Full Name: Responde Full Name: Description: Sex: M Hair Color Home Add City: Relationsh | e (Protected Perent (Restrained I | Person) Weight Eye Color: | nt: | Date oAge:State | of Birth: Race: | Zip: |
| Employee Full Name: Responde Full Name: Description: Sex: Mair Color Home Add City: Relationsh Addition | e (Protected Perent (Restrained I F Height: ress (if known): ip to Employee: | Person) Weight Eye Color: Persons following family | nt: | Date of Age: | of Birth: Race: | Zip: |
| Employee Full Name: Responde Full Name: Description: Sex: Mair Color Home Add City: Relationsh Addition | e (Protected Perent (Restrained I | Person) Weight Eye Color: Persons following family w: | nt: | Date of Age: State I members or Household | of Birth: Race: other stude | Zip: |
| Employee Full Name: Responde Full Name: Description: Sex: Mair Color Home Add City: Relationsh Addition | e (Protected Perent (Restrained I | Person) Weight Eye Color: Persons following family w: | nt:or household | Date of Age: State I members or Household Yes | other stude Member? | Zip: |
| Employee Full Name: Responde Full Name: Description: Sex: Mair Color Home Add City: Relationsh Addition | e (Protected Perent (Restrained I | Person) Weight Eye Color: Persons following family w: | nt:or household | Date of Age: State I members or Household | of Birth: Race: other stude | Zip: |

This is a Court Order.

Time:

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



☐ a.m. ☐ p.m.

Date:

This Order, except for any award of lawyer's fees, expires at:

| | | | Case Number: | |
|----|--|-------------------------------|-----------------------------|-------------------------|
| 6) | Hearing | | | |
| | a. There was a hearing on (date): | at (time): | in Dept.: | Room: |
| | (Name of judicial officer): | | | |
| | b. These people were at the hearing: | | | |
| | (1) \square The petitioner/employer represe | | | |
| | (2) The lawyer for the petitioner/en | nployer (name): | | |
| | $(3) \Box \text{The employee} \qquad (4) \Box \text{Th}$ | e lawyer for the employee | e (name): | |
| | (5) \square The respondent (6) \square The | e lawyer for the responde | nt (<i>name</i>): | |
| | ☐ Additional persons present are listed | l at the end of this Order of | on Attachment 5. | |
| | c. \square The hearing is continued. The partie | es must return to court on | (date): | _ at (time): |
| | . | To the Respondent | | |
| | | To the Respondent: | | |
| | The court has granted the orders che arrested and charged with a crime. Y to \$1,000, or both. | | _ | |
| 7) | Personal Conduct Orders | | | |
| | a. You are ordered not do the following th | ings to the employee | | |
| | and to the other protected persons | listed in 4): | | |
| | (1) Harass, molest, strike, assault (s disturb the peace of the person. | sexually or otherwise), ba | tter, abuse, destroy pers | onal property of, or |
| | (2) Commit acts of violence or make | | _ | |
| | (3) Follow or stalk the person during | · · | | |
| | (4) Contact the person, either direct telephone, in writing, by public or by other electronic means. | • | • | |
| | (5) Enter the person's workplace. | | | |
| | (6) Take any action to obtain the perfound good cause not to make the | | ns. If this item is not che | ecked, the court has |
| | (7) \square Other (specify): | | | |
| | Other personal conduct order | ers are attached at the end | of this Order on Attach | ment 7a(7). |
| | | | | |
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| | b. Peaceful written contact through a lawy | _ | other person for service | of legal papers related |
| | to a court case is allowed and does not v | violate this order. | | |

| (8) | Stay- | -Away Order | | | | | | | |
|-------------|---|--|--|--|---|--|--|--|--|
| | a. Yo | u must stay at least | yards away | from (ch | eck all that apply): | | | | |
| | (1) | ☐ The employee. | | (7) | The employee's child | dren's place | e of child care. | | |
| | (2) | ☐ Each other protected pe | erson listed in 4. | (8) | The employee's vehi | icle. | | | |
| | (3) | ☐ The employee's workp | lace. | (9) | Other (specify): | | | | |
| | (4) | \Box The employee's home. | | | | | | | |
| | (5) | ☐ The employee's school | | | | | | | |
| | (6) | ☐ The employee's children | en's school. | | | | | | |
| | b. Thi | is stay-away order does not p | prevent you from § | going to o | or from your home or p | place of em | ployment. | | |
| 9 | No G | uns or Other Firearms | and Ammuni | tion | | | | | |
| | | u cannot own, possess, hav | | uy, recei | ve or try to receive, o | or in any of | ther way get guns, | | |
| | | • | | | | | | | |
| | other firearms, or ammunition.b. If you have not already done so, you must:(1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms. | | | | | | | | |
| | (1) | in your immediate possess | | | | | | | |
| | | in your immediate possess. Order. | ion or control. Thi | s must be | done within 24 hours | s of being s | erved with this | | |
| | (2) | in your immediate possess Order. | ion or control. Thi | s must be of receivi | done within 24 hours | s of being so | erved with this ur guns have been | | |
| | | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) | ion or control. Thing the within 48 hours You may use form | of receivi | e done within 24 hours ng this Order that pro Proof of Firearms Tu | s of being so | erved with this ur guns have been | | |
| | (2) c. \square | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) The court has received info | ion or control. Thing the within 48 hours You may use form remation that you control. | of receivies www.800, | e done within 24 hours ng this Order that pro Proof of Firearms Tu ssess a firearm. | s of being so ves that you rned In, So | erved with this ur guns have been ld, or Stored <i>for the</i> | | |
| | (2) c. □ d. □ | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) The court has received info. The court has made the neces. Civil Procedure section 527. | or control. This twithin 48 hours You may use form rmation that you construct findings and 19(f). Under California | of receiving WV-800, www or poor applies to pornia law, | ng this Order that properties of Firearms Tuessess a firearm. The firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (3) is not the firearm relinquishing the person in (4) is not the firearm relinquishing the person in (4) is not the firearm relinquishing the person in (4) is not the firearm relinquishing the person in (4) is not the firearm relinquishing the person in (4) is not the firearm relinquishing the firearm relinquishing the person in (4) is not the firearm relinquishing the | s of being so wes that you rned In, So ment exemp | erved with this or guns have been ld, or Stored for the otion under Code of | | |
| | (2) c. d. | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) The court has received info. The court has made the necessary. | et within 48 hours You may use form rmation that you clessary findings and 9(f). Under Califor, and serial number. | of receiving WV-800, when or pour lapplies to pornia law, per of fire | e done within 24 hours ong this Order that proven Proof of Firearms Turessess a firearm. The firearm relinquishing the person in (3) is not arm): | s of being so ves that you rned In, So ment exemp ot required | erved with this or guns have been ld, or Stored for the ption under Code of to relinquish this | | |
| | (2) c. d. | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) The court has received info. The court has made the nece Civil Procedure section 527 firearm (specify make, mode The firearm must be in his or and from his or her place of | et within 48 hours You may use form rmation that you consessary findings and 9(f). Under Califord, and serial number her physical posemployment. Eve | of receiving WV-800, own or poor applies to pornia law, over of fire session or n if exemptoses. | ng this Order that properties of Firearms Turnssess a firearm. The firearm relinquishing the person in (3) is not arm): The firearm scheduled with the person in (3) is not arm. | ves that yourned In, So ment exemp ot required | erved with this or guns have been ld, or Stored for the lotion under Code of to relinquish this and during travel to | | |
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| | (2) c. | in your immediate possess. Order. File a receipt with the courturned in, sold, or stored. (receipt.) The court has received info. The court has made the nece Civil Procedure section 527 firearm (specify make, mode. The firearm must be in his or and from his or her place of subject to federal prosecution. | ton or control. This to within 48 hours You may use form rmation that you control. Under Califord, and serial number her physical postemployment. Even for possessing of the control of th | of receiving WV-800, when or poor applies to controll with the controll of the control | ng this Order that properties of Firearms Turnssess a firearm. The firearm relinquish the person in (3) is not arm): Inly during scheduled we pt under California laving a firearm. | wes that yourned In, So ment exemp ot required work hours w, the perso | erved with this or guns have been ld, or Stored for the otion under Code of to relinquish this and during travel to | | |
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| | | Case Number: | | | |
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| ☐ Othe | er Orders (specify): | | | | |
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| Ac | dditional orders are attached at the end of this | | | | |
| | To the Per | | | | |
| | tory Entry of Order Into CARPOS The | _ | | | |
| | er must be entered into the California Restraini a Law Enforcement Telecommunications Syste | ing and Protective Order System (CARPOS) through the em (CLETS). (Check one): | | | |
| a. 🗌 Th | he clerk will enter this Order and its proof-of-so | ervice form into CARPOS. | | | |
| | he clerk will transmit this Order and its proof-o to CARPOS. | f-service form to a law enforcement agency to be entered | | | |
| del | • | ler is made, the petitioner or the petitioner's lawyer should be form to the law enforcement agency listed below to | | | |
| | Name of Law Enforcement Agency | Address (City, State, Zip) | | | |
| | Additional law enforcement agencies are liste | ed at the end of this Order on Attachment 12. | | | |
| - Convice | • | | | | |
| | e of Order on Respondent he respondent personally attended the hearing. I | No other proof of service is needed | | | |
| | | No other proof of service is needed. | | | |
| | re respondent did not attend the hearing. | n. Postusining Orden was presented to the court. The | | | |
| (1) \square | | ry Restraining Order, was presented to the court. The a form WV-110 except for the expiration date. The Service may be by mail. | | | |
| (2) | · · | from the temporary restraining orders in form WV-110. protected by this order—must personally serve a copy of t | | | |
| No Fee to Serve (Notify) Restrained Person | | | | | |
| | ff or marshal will serve this Order without char hreat of violence, or stalking. | rge because the Order is based on unlawful violence, a | | | |
| Mumban a | of pages attached to this Order, if any: | | | | |
| Number o. | | | | | |
| Date: | | 7 | | | |

WV-130, Page 4 of 6

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

Warning and Notice to the Respondent:

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item (5) on page 1.

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

| Clerk's Certificate [seal] | (Clerk will fill out this part.) —Clerk's Certificate— | |
|-------------------------------|--|----------|
| | I certify that this <i>Workplace Violence Restrainin</i> and correct copy of the original on file in the cor | |
| Da | ate:Clerk, by | , Deputy |