

Self-Help and Mediation
for
Civil Harassment Litigants

June 8-10, 2011

2011 California Conference on Self-Represented Litigants
Milton Marks Conference Center, San Francisco, CA

Program Materials

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Civil Harassment
Statutes and Rules of Court

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→ **§ 527.6. Harassment; temporary restraining order and injunction; procedure; domestic violence; support person; costs and attorney fees; punishment**

<Section operative Jan. 1, 2012. See, also, section operative until Jan. 1, 2012.>

(a)(1) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an injunction prohibiting harassment as provided in this section.

(2) A minor, under 12 years of age, accompanied by a duly appointed and acting guardian ad litem, shall be permitted to appear in court without counsel for the limited purpose of requesting or opposing a request for a temporary restraining order or injunction, or both, under this section as provided in [Section 374](#).

(b) For the purposes of this section:

(1) “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, fax, or computer e-mail. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(2) “Credible threat of violence” is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

(3) “Harassment” is unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.

(4) “Petitioner” means the person to be protected by the temporary restraining order and injunction and, if the court grants the petition, the protected person.

(5) “Respondent” means the person against whom the temporary restraining order and injunction are sought and, if the petition is granted, the restrained person.

(6) “Temporary restraining order” and “injunction” mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in [Section 653m of the Penal Code](#), destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of the petitioner.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate

orders described in subparagraph (A).

(7) “Unlawful violence” is any assault or battery, or stalking as prohibited in [Section 646.9 of the Penal Code](#), but shall not include lawful acts of self-defense or defense of others.

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members.

(d) Upon filing a petition for an injunction under this section, the petitioner may obtain a temporary restraining order in accordance with [Section 527](#), except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice, based on a declaration that, to the satisfaction of the court, shows reasonable proof of harassment of the petitioner by the respondent, and that great or irreparable harm would result to the petitioner.

(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.

(f) A temporary restraining order issued under this section shall remain in effect, at the court's discretion, for a period not to exceed 21 days, or, if the court extends the time for hearing under subdivision (g), not to exceed 25 days, unless otherwise modified or terminated by the court.

(g) Within 21 days, or, if good cause appears to the court, 25 days from the date that a petition for a temporary order is granted or denied, a hearing shall be held on the petition for the injunction. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(h) The respondent may file a response that explains, excuses, justifies, or denies the alleged harassment or may file a cross-petition under this section.

(i) At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an injunction shall issue prohibiting the harassment.

(j)(1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.

(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.

(k) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(l) In a proceeding under this section if there are allegations of unlawful violence or credible threats of violence, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of violence. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of violence in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of violence and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(m) Upon the filing of a petition for an injunction under this section, the respondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may for good cause, on motion of the petitioner or on its own motion, shorten the time for service on the respondent.

(n) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to three years.

(o)(1) The court may, upon the filing of a declaration by the petitioner that the respondent could not be served within the time required by statute, reissue an order previously issued and dissolved by the court for failure to serve the respondent. The reissued order shall remain in effect until the date set for the hearing.

(2) The reissued order shall state on its face the date of expiration of the order.

(p)(1) If a respondent, named in a restraining order issued after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the restraining order will be served on you by mail at the following address: _____.

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

(q)(1) Information on any temporary restraining order or injunction relating to civil harassment issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the business day on which the order, reissuance, extension, modification, or termination was made, to a law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court's discretion as are requested by the petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under [subdivision \(b\) of Section 6380 of the Family Code](#) regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment.

(5) An order issued under this section shall, on request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment involving the parties to the proceeding. The petitioner shall provide the officer with an endorsed copy of the order and a proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the protected person cannot produce a certified copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued, but not served, the officer shall immediately notify the respondent of the terms of the order and shall at that time also enforce the order. Verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of [Section 273.6 and subdivision \(g\) of Section 12021 of the Penal Code](#).

(r) The prevailing party in any action brought under this section may be awarded court costs and attorney's fees, if any.

(s) Any willful disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to [Section 273.6 of the Penal Code](#).

(t)(1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to [Section 527.9](#).

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm or ammunition while the protective order is in effect is punishable pursuant to [subdivision \(g\) of Section 12021 of the Penal Code](#).

(u) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with [Section 1788 of the Civil Code](#)) or by Division 10 (commencing with [Section 6200 of the Family Code](#)). This section does not preclude a petitioner from using other existing civil remedies.

(v)(1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or injunction relating to civil harassment issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to [subdivision \(i\) of Section 6380 of the Family Code](#). However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

(w) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

(x)(1) Subject to [paragraph \(4\) of subdivision \(b\) of Section 6103.2 of the Government Code](#), there shall be no fee for the service of process by a sheriff or marshal of a protective order, restraining order, or injunction to be issued, if either of the following conditions apply:

(A) The protective order, restraining order, or injunction issued pursuant to this section is based upon stalking, as prohibited by [Section 646.9 of the Penal Code](#).

(B) The protective order, restraining order, or injunction issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

Amendments to Code of Civil Procedure Section 527.6

(Effective January 1, 2012)

§ 527.6. Harassment; temporary restraining order and injunction; procedure; domestic violence; support person; costs and attorney fees; punishment

(a)(1) A person who has suffered harassment as defined in subdivision (b) may seek a temporary restraining order and an injunction prohibiting harassment as provided in this section.

(2) A minor, under 12 years of age, accompanied by a duly appointed and acting guardian ad litem, shall be permitted to appear in court without counsel for the limited purpose of requesting or opposing a request for a temporary restraining order or injunction, or both, under this section as provided in Section 374.

(b) For the purposes of this section:

(1) "Course of conduct" is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, fax, or computer e-mail. Constitutionally protected activity is not included within the meaning of "course of conduct."

(2) "Credible threat of violence" is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.

~~,"harassment"~~(3) "Harassment" is unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiffpetitioner.

As used in this subdivision:

~~(4)~~(4) "Petitioner" means the person to be protected by the temporary restraining order and injunction and, if the court grants the petition, the protected person.

(5) "Respondent" means the person against whom the temporary restraining order and injunction are sought and, if the petition is granted, the restrained person.

(6) "Temporary restraining order" and "injunction" mean orders that include any of the following restraining orders, whether issued ex parte or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of the petitioner.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

(7) “Unlawful violence” is any assault or battery, or stalking as prohibited in [Section 646.9 of the Penal Code](#), but shall not include lawful acts of self-defense or defense of others.

~~(2) “Credible threat of violence” is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.~~

~~(3) “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, fax, or computer e-mail. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

(c)

In the discretion of the court, on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members.

(d) Upon filing a petition for an injunction under this section, the [plaintiff/petitioner](#) may obtain a temporary restraining order in accordance with [Section 527](#), except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b). A temporary restraining order may be issued with or without notice ~~upon an affidavit, based on a declaration~~ that, to the satisfaction of the court, shows reasonable proof of harassment of the [plaintiff/petitioner](#) by the [defendant/respondent](#), and that great or irreparable harm would result to the [plaintiff](#). ~~In the discretion of the court, and on a showing of good cause, petitioner.~~

(e) A request for the issuance of a temporary restraining order ~~or injunction, issued without notice~~ under this section ~~may include other named family~~ shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or household members who resided ~~denied~~ on the next day of judicial business in sufficient time for the order to be filed that day with the ~~plaintiff~~ clerk of the court.

(f) A temporary restraining order issued under this section shall remain in effect, at the court's discretion, for a period not to exceed [1521](#) days, or, if the court extends the time for hearing under subdivision (dg), not to exceed [2225](#) days, unless otherwise modified or terminated by the court.

(dg) Within [1521](#) days, or, if good cause appears to the court, [2225](#) days from the date ~~that~~ a petition for a temporary ~~restraining~~ order is ~~issued~~ granted or denied, a hearing shall be held on the petition for the injunction. If no request for temporary orders is made, the hearing shall be held within 21 days, or, if good cause appears to the court, 25 days, from the date that the petition is filed.

(h) The [defendant/respondent](#) may file a response that explains, excuses, justifies, or denies the alleged harassment or may file a cross-~~complaint~~ petition under this section.

(i) At the hearing, the judge shall receive any testimony that is relevant, and may make an independent inquiry. If the judge finds by clear and convincing evidence that unlawful harassment exists, an injunction shall issue prohibiting the harassment. ~~An injunction issued pursuant to this section shall have a duration~~

~~of not more than three years. At any time within the three months before the expiration of the injunction, the plaintiff may apply for a renewal of the injunction by filing a new petition for an injunction under this section.~~

~~(e)~~

~~(j)(1) In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.~~

~~(2) The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.~~

~~(k) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.~~

~~(f) In a proceeding under this section if there are allegations ~~of~~of unlawful violence or credible threats of domestic violence, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of domestic violence in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of domestic violence and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.~~

~~(gm) Upon the filing of a petition for an injunction under this section, the defendantrespondent shall be personally served with a copy of the petition, temporary restraining order, if any, and notice of hearing of the petition. Service shall be made at least five days before the hearing. The court may for good cause, on motion of the plaintiffpetitioner or on its own motion, shorten the time for service on the defendantres-pondent.~~

~~(hn) A notice of hearing under this section shall notify the respondent that if he or she does not attend the hearing, the court may make orders against him or her that could last up to three years.~~

~~(o)(1) The court shallmay, upon the filing of a declaration by the petitioner that the respondent could not be served within the time required by statute, reissue an order the plaintiff or the previously issued and dissolved by the court for failure to serve the respondent. The reissued order shall remain in effect until the date set for the hearing.~~

~~(2) The reissued order shall state on its face the date of expiration of the order.~~

~~(p)(1) If a respondent, named in a restraining order issued after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal~~

appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney for the plaintiff to deliver a copy of each, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with this temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the restraining order will be served on you by mail at the following address: _____.

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

(q)(1) Information on any temporary restraining order or injunction, ~~or~~ relating to civil harassment issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or reissuance, extension, modification, or termination thereof, ~~granted under this section of the order, and any subsequent proof of service,~~ by the close of the business day on which the order was granted, to the reissuance, extension, modification, or termination was made, to a law enforcement agency having jurisdiction over the residence of the petitioner and to any additional law enforcement agencies within the court's discretion as are requested by the ~~plaintiff~~ petitioner.

(3) Alternatively, the court or its designee shall transmit, within one business day, to law enforcement personnel all information required under subdivision (b) of Section 6380 of the Family Code regarding any order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by either one of the following methods:

(A) Transmitting a physical copy of the order or proof of service to a local law enforcement agency authorized by the Department of Justice to enter orders into the California Law Enforcement Telecommunications System (CLETS).

(B) With the approval of the Department of Justice, entering the order or proof of service into CLETS directly.

(4) Each appropriate law enforcement agency shall make available information as to the existence and current status of these orders to law enforcement officers responding to the scene of reported harassment.

(5) An order issued under this section shall, on request of the [plaintiffpetitioner](#), be served on the ~~defendantrespondent~~, whether or not the ~~defendantrespondent~~ has been taken into custody, by any law enforcement officer who is present at the scene of reported harassment involving the parties to the proceeding. The [plaintiffpetitioner](#) shall provide the officer with an endorsed copy of the order and a proof of service that the officer shall complete and send to the issuing court.

(6) Upon receiving information at the scene of an incident of harassment that a protective order has been issued under this section, or that a person who has been taken into custody is the subject of an order, if the protected person cannot produce a certified copy of the order, a law enforcement officer shall immediately attempt to verify the existence of the order.

(7) If the law enforcement officer determines that a protective order has been issued, but not served, the officer shall immediately notify the ~~defendantrespondent~~ of the terms of the order and shall at that time also enforce the order. Verbal notice of the terms of the order shall constitute service of the order and is sufficient notice for the purposes of this section and for the purposes of [Section 273.6 and subdivision \(g\) of Section 12021 of the Penal Code](#).

(~~ir~~) The prevailing party in any action brought under this section may be awarded court costs and attorney's fees, if any.

(~~js~~) Any willful disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to [Section 273.6 of the Penal Code](#).

(~~kt~~)(1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm [or ammunition](#) while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to [Section 527.9](#).

(3) Every person who owns, possesses, purchases or receives, or attempts to purchase or receive a firearm [or ammunition](#) while the protective order is in effect is punishable pursuant to [subdivision \(g\) of Section 12021 of the Penal Code](#).

(~~lu~~) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with [Section 1788 of the Civil Code](#)) or by Division 10 (commencing with [Section 6200 of the Family Code](#)). This section does not preclude a [plaintiffpetitioner](#) from using other existing civil remedies.

(~~mv~~)(1) The Judicial Council shall ~~promulgatedevelop~~ forms ~~and~~, instructions ~~therefor~~, and rules ~~for service of process, scheduling of hearings, and any otherrelating to~~ matters ~~requiredgoverned~~ by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(~~n~~2) A temporary restraining order or injunction relating to ~~civil harassment or domestic violence~~ issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to [subdivision \(i\) of Section 6380 of the Family Code](#). However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

~~(e) Information on any temporary restraining order or injunction relating to harassment or domestic violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with subdivision (b) of Section 6380 of the Family Code.~~

~~(w)~~ There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

~~(x)~~(1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process by a sheriff or marshal of a protective order, restraining order, or injunction to be issued, if any~~either~~ of the following conditions apply:

(A) The protective order, restraining order, or injunction issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B) The protective order, restraining order, or injunction issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

~~(C) The protective order, restraining order, or injunction is issued pursuant to Section 6222 of the Family Code.~~

(2) The Judicial Council shall prepare and develop ~~application~~ forms for ~~applicants~~persons who wish to avail themselves of the services described in this subdivision.



California Rules
of Court
(Revised January 1,
2011)

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Rule 3.1152. Civil harassment and workplace violence

(a) Scheduling of hearing

On the filing of a petition for an injunction under Code of Civil Procedure section 527.6 or 527.8, a hearing must be set in accordance with the requirements of subdivision (d) of section 527.6 or subdivision (f) of section 527.8.

(Subd (a) amended effective January 1, 2007; previously amended effective July 1, 1995.)

(b) Temporary restraining order

A temporary restraining order may be granted in accordance with the provisions of Code of Civil Procedure section 527.6(c) or 527.8(e), but unless otherwise ordered no memorandum is required.

(Subd (b) amended effective January 1, 2007; previously amended effective July 1, 1995, and January 1, 2002.)

(c) Service of petition and orders

The petition and order to show cause, and any temporary restraining order, must be personally served on the defendant. Service must be made in the manner provided by law for personal service of summons in civil actions.

(Subd (c) amended effective January 1, 2007; previously amended effective January 1, 1993.)

(d) Response by defendant

A response by defendant must be filed and delivered to plaintiff or plaintiff's attorney no later than 48 hours before the hearing.

(Subd (d) amended effective January 1, 2007.)

Rule 3.1152 amended and renumbered effective January 1, 2007; adopted as rule 363 effective January 1, 1984; previously amended effective January 1, 1993, July 1, 1995, January 1, 2000, and January 1, 2002.

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Judicial Council Civil Harassment Forms

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

2 Name of person you want protection from:

Describe the person: Sex: M F Weight: _____

Height: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if you know): _____

City: _____ State: _____ Zip: _____

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

3 Besides you, who needs protection? (Family or household members)

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

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

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

The person in 2 lives in this county.

I was hurt (physically or emotionally) by the person in 2 here.

Other (specify): _____

5 How do you know the person in 2? (Describe):

This is not a Court Order.



Your name: _____

- 6 Describe how the person in 2 has harassed you:
- a. Date of most recent harassment: _____
- b. Who was there? _____
- c. Did the person in 2 commit any acts of violence or threaten to commit any acts of violence against you?
 Yes No
 If yes, describe those acts or threats: _____
- d. Did the person in 2 engage in a course of conduct that harassed you and caused substantial emotional distress? Yes No
 If yes, describe: _____
- e. Did the conduct of the person in 2 described above seriously alarm, annoy, or harass you? Yes No
 Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want

- 7 **Personal Conduct Orders**
- I ask the court to order the person in 2 to **not** do the following things to me or anyone listed in 3 :
- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.
- The person in 2 will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

- 8 **Stay-Away Orders**
- I ask the court to order the person in 2 to stay at least (specify): _____ yards away from me and the people listed in 3 and the places listed below: (Check all that apply):
- a. My home
- b. My job or workplace
- c. My children's school or child care
- d. My vehicle
- e. Other (specify): _____

If the court orders the person in 2 to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? Yes No

If no, explain: _____

This is not a Court Order.

Your name: _____

9 **Others to Be Protected**

Should the other people listed in **3** also be covered by the orders described above?

Yes No Does not apply

If yes, explain: _____

10 **Order About Guns or Other Firearms**

I ask the court to order the person in **2** to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms **and** to sell or turn in any guns or firearms that he or she controls.

11 **Other Orders**

I ask the court to order the person in **2** to (specify): _____

12 **Temporary Orders**

Do you want the court to make orders now on the matters listed in **7**, through **11** that will last until the hearing? Yes No

If yes, explain why you need these orders right now: _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

- a. Name of Agency: _____
 Address: _____
 City: _____ State: _____ Zip: _____
- b. Name of Agency: _____
 Address: _____
 City: _____ State: _____ Zip: _____

14 **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in **2**? Yes No

If yes, specify the counties and case numbers if you know them: _____

This is not a Court Order.



Your name: _____

15 **Time for Service**

You must have your papers personally served on (notify) the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

16 **No Fee for Filing**

I ask the court to waive the filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

17 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in ② about the orders for free because:

- a. My request for orders is based on stalking; or
- b. My request for orders is based on a credible threat of violence; or
- c. I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. Lawyer's fees
- b. Out-of-pocket expenses

The amounts requested are:

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

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

19 **Additional Relief**

I ask the court for additional relief as may be proper.

20 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

California Law Enforcement Telecommunications System (CLETS) Information Form

- Form submission options: initial filing or amended form.

Important Notice: This form MUST NOT become part of the court file. The information in it is confidential.

Person to Be Protected: Fill out this form as much as you can and give it to the court clerk.

Case number for your restraining order (if you know it):

1 Person to Be Protected (name): Sex, Height, Weight, Race, Hair Color, Eye Color, Age, Date of Birth, Telephone Number, Vehicle, License Number and State.

2 Person to Be Restrained (name): Sex, Height, Weight, Race, Hair Color, Eye Color, Age, Date of Birth, residence address, workplace, business address, Driver's License Number and State, Social Security Number, Vehicle, Describe any marks, scars, or tattoos, Other names used by the restrained person.

3 Guns or Firearms Describe any guns or firearms that you believe the restrained person owns or has access to (include types and locations, if known):

4 Other People to Be Protected Table with columns: Name, Date of Birth, Sex, Race, Relation to Person in 1

Continued on Attachment 4

This is not a court order—Do not file in court file.

Clerk stamps date here when form is filed.

1 Name of person who asked for the order:

2 Your name: _____

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone (optional): (____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Use this form to give the court your answers to CH-100

- Read Form CH-151 to protect your rights.
- Fill out this form and then take it to the court clerk.
- Serve the person in ① with a copy of this form and any attached pages.

3 **Personal Conduct Orders**

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

The court will consider your Answer at the hearing. Write your hearing date and time here:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____

You must obey the court's orders until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.

4 **Stay Away Orders**

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

5 **Turn In Guns or Other Firearms**

- a. I do not own or have any guns or firearms.
- b. I agree to the order requested.
- c. I do not agree to the order requested.
- d. I agree to the following order (specify): _____

6 **Other Orders**

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



Your name: _____

7 **Emotional Distress**

- a. The person in ① has not suffered emotional distress. *(Explain):* _____

- b. A reasonable person in the same position as the person in ① would not have suffered emotional distress. *(Explain):* _____

- c. If the person in ① has suffered any emotional distress, it is not because of what that person has accused me of doing. *(Explain):* _____

8 **Purpose of Actions**

What I did to the person in ①—if anything—was not done on purpose.

9 **Denial**

- a. I did not do anything described in ⑥ of Form CH-100. *(Skip to ⑪.)*
- b. I did some or all of the things described in ⑥ of Form CH-100. *(Explain in ⑩–⑪.)*

10 **Reason or Excuse**

I have done some or all of the things the person in ① has accused me of, but:

- a. What I did was legal. *(Explain):* _____

- b. I had a good reason for doing these things. *(Explain):* _____

- c. I have other reasons to justify what I did. *(Explain):* _____

11 **The court should not make an order against me because:** *(List facts or reasons below):*

Check here if you need more space. Attach a sheet of paper and write “CH-110, Item 11— Facts and Reasons” at the top. Give specific facts and reasons.



Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

3 Notice of Hearing

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

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders

The court (check a or b):

- a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

5 Personal Conduct Orders

You must **not** do the following things to the people listed in ① and ⑩:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

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.

6 Stay-Away Order

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑩
- c. The home of the persons in ① and ⑩
- d. Jobs or workplaces of the persons in ① and ⑩
- e. Vehicle of person in ①
- f. The protected children's school or child care
- g. Other (specify): _____

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

7 No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

8 Turn In or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 guns have been turned in or sold. (You may use Form CH-145 for this.)

9 Other Orders (specify): _____

This is a Court Order.

Your name: _____

10 **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): _____

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 **No Fee for Filing**

Filing fees are waived.

This is a Court Order.

Your name: _____

15 **No Fee for Service of Order by Law Enforcement**

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

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

Date: _____

▶

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

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



Requests for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Your name (person asking to reissue order): _____

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): _____

City: _____ State: _____ Zip: _____

Your telephone (optional): (_____) _____

Your attorney (if you have one): (Name, address, telephone number and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of person you want protection from: _____

Court fills in case number when form is filed.

Case Number:

3 I ask the Court to reissue the Temporary Restraining Order specified on Form CH-120.

a. The last Temporary Restraining Order was issued on (date): _____ b. The last hearing date was (date): _____

c. The Order was reissued _____ times.

4 I ask the court to reissue the Order because (check one):

a. I could not get the Order served before the hearing date.

b. The date of the hearing was changed because we were sent to mediation or other dispute resolution services.

c. Other (specify): _____

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

Date: _____

Type or print your name

Sign your name

This is a Court Order.

Clerk will fill out section below.

5 The request to reissue the Temporary Restraining Orders is:

a. Granted b. Denied

The Order listed in 3 is reissued and reset for hearing in this court on the date and time below. Unless the court extends the time, the Order will end on the date and time below.

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

Dept.: _____ Room: _____

All orders in the Temporary Restraining Order stay in effect unless this order changes them.

(Continued on next page)



Case Number: _____

Your Name: _____

- ⑥ If this Order is granted, a copy of this Order must be served on the person in ② before the hearing, along with the other documents requesting orders to stop harassment.
- ⑦ By the close of business on the date this Order is made, a copy of this Order and any proof of service forms must be delivered to the law enforcement agency listed in ⑧ by:
 - the person in ①.
 - the attorney of the person in ①.

⑧ The law enforcement agency listed below will serve the person in ② with a copy of this Order and any attached orders:

Name of law enforcement agency: _____

Address: _____

City: _____ State: _____ Zip: _____

Date: _____

Judicial Officer



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (*Civil Code, § 54.8*)

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

Clerk's Certificate
[seal]

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

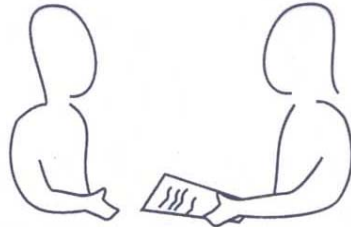
1 Name of person asking for protection:

2 Name of person you want protection from:

3 **Notice to Server**

The server must:

- Be over 18 years of age.
- Not be listed on the restraining order.
- Give a copy of all documents checked in 4



to the person in 2. (You cannot send them by mail.) Then complete and sign this form, and give or mail it to the person in 1.

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

Fill in case number:
Case Number:

PROOF OF PERSONAL SERVICE

- 4 I gave the person in 2 a copy of the documents checked below:
- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)*
 - b. CH-100, *Request for Orders to Stop Harassment*
 - c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
 - d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
 - e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
 - f. CH-140, *Restraining Order After Hearing to Stop Harassment*
 - g. Other (*specify*): _____

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

a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.

c. At this Address: _____

City: _____ State: _____ Zip: _____

6 **Server's Information**

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

▶ _____
Server to sign here

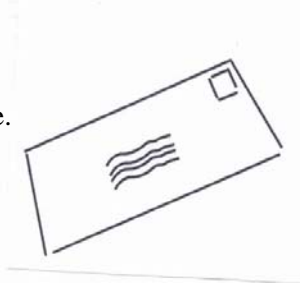
*Clerk stamps date here when form is filed.***1** Name of person asking for protection:

2 Your name:

3 Notice to Server

The server must:

- Be over 18 years of age.
- Be a resident or employed in the county where the mailing took place.
- Not be a party in the case.
- Mail a copy of all documents checked in **4** to the person in **1**. Complete and sign this form and give it to the person in **2**.

*Fill in court name and street address:***Superior Court of California, County of***Fill in case number:***Case Number:****PROOF OF SERVICE BY MAIL****4** I am over 18 years of age and am a resident or employed in the county where the mailing took place. I mailed the person in **1** a copy of all documents checked below:

- a. CH-110, *Answer to Request for Orders to Stop Harassment*
- b. Other (*specify*):

5 I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed from (*City*): _____ (*State*): _____
- b. On (*Date*): _____
- c. To this Address: _____
 City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

What is “service”?

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” the *Notice of Hearing and Temporary Restraining Order* (CH-120) and the *Request for Orders to Stop Harassment* (CH-100) must be served “in person.”

That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms.

Service lets the other person know:

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

Who can serve?

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

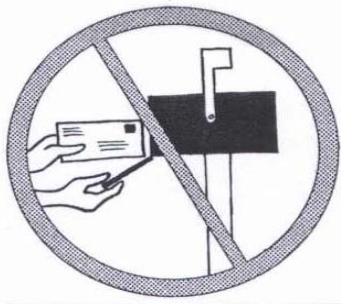
The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

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

A “registered process server” is a business you pay to deliver court forms. Look in the Yellow Pages, under “Process Serving.”

(If law enforcement or the process server uses a different Proof of Service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it’s the right person.
- Give the person copies of all papers checked on Form CH-130, the Proof of Service form..
- Fill out and sign the Proof of Service form.
- Give the signed Proof of Service to you.

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

The server must attempt to make personal delivery even if the person won't take the papers. It doesn't matter if the person tears them up.

Who signs the Proof of Service?

Only the person who serves the orders can sign the Proof of Service. You do not sign Form CH-130. The restrained person does not sign this form.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form CH-120:

First, look at the hearing date on page 1 of CH-120.

To the person in (2):
3 Notice of Hearing
 A court hearing is scheduled on the request for orders

Hearing Date → Date: _____
 Dept.: _____

Next, look at the number of days written in (13) on page 3.

13 Time for Service (check a, b, or c)

a. A copy of the documents listed in at least 5 days before the hearing.

b. A copy of the documents listed in at least 2 days before the hearing.

c. A copy of the documents listed in at least ____ days before the hearing.

Look at a calendar. Subtract the number of days in (13) from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is checked or written in (13), you must serve the orders at least 5 days before the hearing.

Why do I have to get the orders served?

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

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

Before your hearing, fill out and file *Reissue Temporary Restraining Order* (Form CH-125). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form.

After the court has reissued the orders, you *must* attach a copy of CH-125 to a copy of your original orders. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date.

What do I do with the completed Proof of Service?

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to your local police. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed Proof of Service (form CH-130) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

1 Your name (*person asking for protection*):Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of**2** Name of person to be restrained:

Fill in case number:

Case Number:

Description:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

3 **Hearing**

There was a hearing:

on (*date*): _____ at (*time*): _____ a.m. p.m. Dept.: _____ Rm: _____

_____ made the orders at the hearing.

(Name of judicial officer)

These people were at the hearing:

- a. Plaintiff (*the person in ①*) c. Plaintiff's lawyer (*name*): _____
- b. Defendant (*the person in ②*) d. Defendant's lawyer (*name*): _____

4 **This Is a Court Order**

You must obey all the orders indicated below. If you do not obey this Order, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

5 **Expiration Date**

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

(time): _____ a.m. p.m. or midnight on *(date)*: _____

If no date is present, this Order expires three years from the date of issuance.

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

You must *not* do the following things to the people listed in ① and ⑪:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑪. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case does not violate these orders.

7 **Stay-Away Order**

You must stay at least (*specify*): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑪
- c. The home of the persons in ① and ⑪
- d. Jobs or workplaces of the persons in ① and ⑪
- e. Vehicle of person in ①
- f. The protected children’s school or child care
- g. Other (*specify*): _____

This stay-away order does not prevent the person in ② from going to or from that person’s home or place of work.

8 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

9 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 guns have been turned in or sold. *(You may use CH-145 for this.)*

10 **Other Orders** (*specify*): _____

11 **Other Protected Persons**

List of the full names of all family and household members protected by these orders:

This is a Court Order.



Case Number: _____

Your name: _____

Instructions for the Protected Person

To the person in ① (Write the name of the person in ①): _____

12 **Delivery to Law Enforcement**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

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

13 **No Fee for Service of Order by Law Enforcement**

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

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

Date: _____  _____
Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

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

(Clerk will fill out this part)

Clerk's Certificate

Clerk's Certificate
[seal]

I certify that this *Restraining Order After Hearing to Stop Harassment (CLETS)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

① Name of person asking for protection:

② Your name:

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

③ **To the person selling or turning in firearms:**

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask law enforcement or the licensed gun dealer to complete item ④ or ⑤ and item ⑥. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-151.

④ **To: Law Enforcement**

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

The firearms listed in ⑥ were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

⑤ **To: Licensed Gun Dealer**

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

The firearms listed in ⑥ were sold on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number (_____) _____
Telephone

Address

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

▶ _____
Signature of licensed gun dealer



Case Number: _____

Your name: _____

6	Firearms Make	Model	Serial Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-145, Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

7 Do you have, own, possess or control any other firearms besides the firearms listed in 6? Yes No

8 If you answered yes to 7, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

a. I filed the Proof of Firearms Turned In or Sold for those firearms with the court on (date): _____

b. I am filing the Proof for those firearms along with this Proof.

c. I have not yet filed the Proof for the other firearms. (Explain why not): _____

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

Date: _____

Type or print your name

Sign your name

What is a Civil Harassment Restraining Order?

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

Can I get a Civil Harassment Restraining Order?

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

- Stalked
- Harassed
- Sexually assaulted *or*
- Threatened you with violence.

How will the order help me?

The court can order a person to:

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

You can also ask for protection for other family or household members.

What forms do I need to get the order?

Fill out Forms CH-100 and CH-120. Then file them with the court clerk.

Where can I get these forms?

You can get the forms at any courthouse or county law library at: www.courtinfo.ca.gov/forms

How soon can I get the order?

If you ask for a temporary restraining order (Form CH-120), the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

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

Someone over 18 years of age—not you or anyone else protected by the order— must “serve” (give) the person to be restrained a copy of the order. For help with service, ask the court clerk for Form CH-135.

What if the restrained person does not obey the order?

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

How much does it cost?

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

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver.

You are entitled to free service of the court’s order by a sheriff or marshal, if the order is based on fear of sexual assault or stalking. Use Form CH-101 to request free service. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

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

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk’s office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code, § 54.8.)



Do I have to go to court?

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

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

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

No. But it helps to have proof of the harassment. You can bring:

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

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

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. Ask for an interpreter or other accommodation. (See information on Requests for Accommodations at the bottom of page 1.)

What if I move?

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

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted.]

What is a Civil Harassment Restraining Order?

It is a court order.

What does the order do?

The court can order you to:

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

Who can ask for a Civil Harassment Restraining Order?

A person who is worried about safety because they are being:

- Stalked
- Harassed
- Sexually assaulted *or*
- Threatened with violence

How long does the order last?

If the Court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form CH-110 before your hearing date and file it with the court.

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

Yes. Have someone—other than yourself—mail a copy of completed Form CH-110 to the person who asked for the order (or that person's lawyer). (This is called “Service.”)

The person who serves the form by mail must fill out Form CH-131, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form CH-120. If you do not go to court, the judge can make orders without hearing from you.

CH-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed

1 Name of person asking for protection: _____
 Address (skip this if you have a lawyer). (If you want your address to be private, give a mailing address instead) _____
 City: _____ State: _____ Zip: _____
 Your telephone number (optional): (_____) _____
 Your lawyer (if you have one) (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained: _____
 Description of that person:
 Sex: M F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Work Address (if known): _____
 City: _____ State: _____ Zip: _____

To the person in ②:

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop harassment:
 Name and address of court if different from above: _____
 Hearing Date: _____ Date: _____ Time: _____
 Dept: _____ Rm: _____

4 Court Orders
 The court (check a or b):
 a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
 b. Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order

Judicial Council of California, www.courtinfo.ca.gov
 Revised January 1, 2005. Mandatory Form
 Code of Civil Procedure, §§ 52.7 and 52.7.1
 Approved by D.C.

Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4
 (Civil Harassment)

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Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about legal services and self-help centers in your county.

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

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

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

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted]

Requests for Accommodations

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



Leveraging Technology to Complete Civil Harassment Forms

Forms and Form Completion Systems

Judicial Council Civil Harassment Forms. This site provides current mandatory and optional forms for use in all California courts. The forms are in PDF format, with fillable fields, and can be saved on the user's computer for later completion, revision, and printing. (Free) www.courts.ca.gov/forms.htm?filter=CH

LawHelp Interactive. Computer program created for use in self-help centers to assist litigants complete their civil harassment pleadings. The program asks simple questions and uses answers to fill out court forms. Program includes assistance in writing declarations. (Free)
www.courtinfo.ca.gov/programs/equalaccess/npado/chPetitioners.htm

Martin Deane's Essential Forms. A database driven forms completion system that saves information and automatically populates all Judicial Council forms and most California superior court local forms. (Costs approximately \$600 plus annual renewal fees.) www.essentialpublishers.com/forms/index.html

ICAN! Legal (Orange County Superior Court of Orange County). I-CAN!TM An online application that will fill out court forms by asking questions and putting the answers on the forms in the correct place. (Free) www.icandocs.org/ca/modules.html#7

Forms Sets (Superior Court of Ventura County). Form sets allow users to complete a coversheet that populates captions and other common information requested in forms. Courts in Riverside and San Bernardino create form sets for use in numerous areas of law. (Free) <http://serranus/reference/documents/civilRestraintVentura012011.pdf>



LASC Resource Center for Self-Represented Litigants

Civil Harassment Restraining Order

Title	Program Descriptions	
Ask for a Civil Harassment Restraining Order	Program asks you questions and then provides you forms for use in your case.	Start

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 Civil Harassment Petition (LA v.050511) for California
 Last updated: 050511

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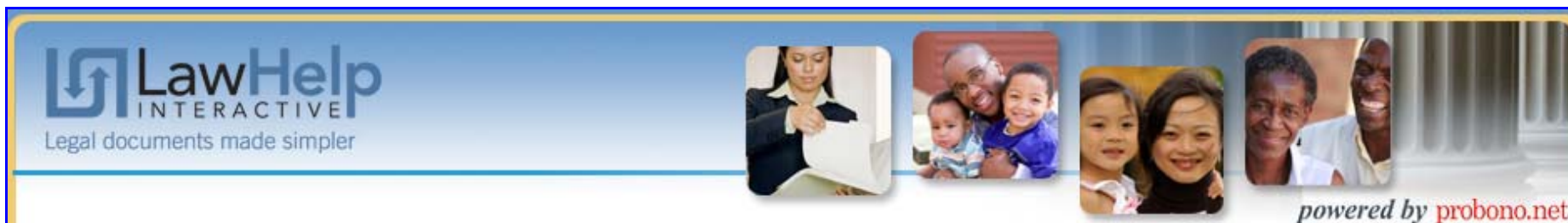
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Civil Harassment Petition (LA v.050511)

 [Help](#)

Interview Outline

- Introduction
- Your Name, Address, and Telephone Number on Your Court Papers:
- Questions About the Person You Want Protection From (the Restrained Person)
- 's Home and Work Addresses
- Questions About 's Appearance
- Other People Who Need Protection
- Other Court Cases
- Describe the Most Recent Incident of Harassment
- Describe the Second Most Recent Incident of Harassment
- ORDERS YOU WANT**
- Do You Want the Judge to Order to Pay for Your Out-of-Pocket Expenses Caused by his Harassment?
- Other Orders You Want
- Request for Temporary Orders
- What courthouse do you want to use?
- Delivery of the Restraining Orders to the Police (Law Enforcement)
- Fee Waiver Based on Income
- Have you Told that you are Getting a Restraining Order?
- Time for Service/Shortening Time Request
- You Are Done With Our Questions.

Introduction

This program will complete all items on the Form CH-100 (Petition).

The program asks you questions and then fills out your paperwork.

NOTE: YOUR PAPERS WILL NOT BE COMPLETE AND READY TO FILE WHEN YOU FINISH THIS PROGRAM.

Click the **NEXT** button below to continue.

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












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Civil Harassment Petition (LA v.050511)

 [Help](#)

Interview Outline

-  Introduction
-  Your Name, Address, and Telephone Number on Your Court Papers:
-  Questions About the Person You Want Protection From (the Restrained Person)
-  's Home and Work Addresses
-  Questions About 's Appearance
-  Other People Who Need Protection
-  Other Court Cases
-  Describe the Most Recent Incident of Harassment
-  Describe the Second Most Recent Incident of Harassment
-  **ORDERS YOU WANT**
-  Do You Want the Judge to Order to Pay for Your Out-of-Pocket Expenses Cause
-  Other Orders You Want
-  Request for Temporary Orders
-  What courthouse do you want to use?
-  Delivery of the Restraining Orders to the Police (Law Enforcement)
-  Fee Waiver Based on Income
-  **Have you Told that you are Getting a Restraining Order?**
-  Time for Service/Shortening Time Request
-  You Are Done With Our Questions.

Your Name, Address, and Telephone Number on Your Court Papers

The person you are having restrained will get a copy of your court papers.

You have the option of keeping your address confidential, or you may list your current address, a post office box, or the address of a family member or friend where you can receive mail.

Your First Name: _____ Your Middle Name: _____ Your Last Name: _____

Gender:

- Woman
- Man

If you don't want the person you are having restrained from knowing your address or telephone number, check "Yes."

- Yes, I want my ADDRESS KEPT CONFIDENTIAL.
- No.

Enter the address and telephone number you want on your court papers:

Street Address: _____

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Civil Harassment Resources
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Civil Harassment



Warning: People can tell what Internet sites you have visited on your computer. **Be safe!** Use the Internet at a local library, a friend's house, or at work.

Are You in Danger Now? If you need help right now, call "911."

You can also call:

- A [legal aid or nonprofit in your area](#) , or
- Other [local resources](#) .

What Is Civil Harassment?

In general, civil harassment is abuse, threats of abuse, stalking, sexual assault, or serious harassment by someone you have not dated and do NOT have a close relationship with, like a neighbor, a roommate, or a friend (that you have never dated). It is also civil harassment if the abuse is from a family member that is not included in the list under domestic violence. So, for example, if the abuse is from an uncle or aunt, a niece or nephew, or a cousin, it is considered civil harassment and NOT domestic violence.

The civil harassment laws say "harassment" is:

- Unlawful violence, like assault or battery or stalking, OR
- A credible (real) threat of violence, AND
- The violence or threats seriously scare, annoy, or harass someone and there is no valid reason for it.

"Credible threat of violence" means intentionally saying something or acting in a way that would make a reasonable person afraid for his or her safety or the safety of his or her family. A "credible threat of violence" includes following or stalking someone, making harassing calls, or sending harassing messages, by phone, mail, or e-mail, over a period of time (even if it is a short time).

Read about the law in [Code of Civil Procedure section 527.6](#).

CIVIL HARASSMENT RESTRAINING ORDERS

A civil harassment restraining order is a court order that helps protect people from violence, stalking, serious harassment, or threats of violence.

You can ask for a civil harassment restraining order if:

1. A person has abused (or threatened to abuse), sexually assaulted, stalked, or seriously harassed you, AND
2. You are scared or seriously annoyed or harassed.

Also, the person you want to restrain CANNOT be:

- Your spouse/partner or former spouse/partner,
- Someone you dated at any point, OR
- A close relative (parent, child, brother, sister, grandmother, grandfather, in-law).

The person you want to restrain CAN be:

- A neighbor,
- A roommate (as long as you never dated),
- A friend,
- A family member more than 2 degrees removed, like an aunt or uncle, a niece or nephew, cousins, and more distant relatives, OR
- Other people you are not closely related to.

IMPORTANT: If you are 65 or older or a dependent adult, you can file a civil harassment restraining order against

someone you are not close to, BUT you can ALSO file an elder or dependent adult abuse restraining order, which may be better for you because you may be able to get more help before, during, and after the court case.

If you do not qualify for a civil harassment restraining order, there are other kinds of orders you may be able to ask for:

- Domestic violence restraining order (for protection from people you were involved with romantically at some point or close family members). Get more information on getting a [domestic violence restraining order](#).
- Elder or dependent adult abuse restraining order (if the person being abused is 65 or older, or between 18 and 64 and a dependent adult). Get more information on getting an [elder or dependent adult abuse restraining order](#).
- Workplace violence restraining order (filed by an employer to protect an employee from violence, stalking, or harassment by another person). Get more information on getting a [workplace violence restraining order](#).

If you are not sure what kind of restraining order you should get, talk to a lawyer. Click for [help finding a lawyer](#). Also, your court's [family law facilitator](#) or [self-help center](#) may be able to help you. And your [local legal services offices](#) may also be able to help you or refer you to someone who can.

What Can a Restraining Order Do?

A restraining order is a court order. It can order the restrained person to:

- Not contact you or any member of your household;
- Not go near you, your children, or others who live with you, no matter where you go;
- Stay away from your work, your school, or your children's school; or
- Not have a gun.

Once the court issues (makes) a restraining order, it goes into a statewide computer system. This means that law enforcement officers across California can see there is a restraining order in place.

Effect of a Restraining Order on the Restrained Person

For the person to be restrained, the consequences of having a court order against him or her can be very severe.

- He or she will not be able to go to certain places or to do certain things.
- He or she will generally not be able to own a gun. (And he or she will have to turn in or sell any guns he or she has and will not be able to buy a gun while the restraining order is in effect.)
- The restraining order may affect his or her immigration status. If you are a person to be restrained and you are worried about this, talk to an immigration lawyer to find out if you will be affected.

If the person to be restrained violates the restraining order, he or she may go to jail, or pay a fine, or both.

TYPES OF CIVIL HARASSMENT RESTRAINING ORDERS

Emergency Protective Order (EPO)

An EPO is a type of restraining order that only law enforcement can ask for by calling a judge. Judges are available to issue EPOs 24 hours a day. So a police officer that answers a call because of serious violence or a serious threat can ask a judge for an emergency protective order at any time of the day or night.

The emergency protective order starts immediately and can last up to 7 days. The judge can order the abusive person to leave the home (if they live with you) and stay away from you and your children for up to a week. That gives you enough time to go to court to file for a temporary restraining order.

To get a more permanent order, you first must ask the court for a temporary restraining order (also called a "TRO").

Temporary Restraining Order (TRO)

When you go to court to ask for a civil harassment restraining order, you fill out paperwork where you tell the judge everything that has happened and why you need a restraining order. If the judge believes you need protection, he or she will give you a temporary restraining order.

Temporary restraining orders usually last about 20 to 25 days, until the court hearing date.

"Permanent" Restraining Order (Restraining Order After Hearing)

When you go to court for the hearing that was scheduled for your TRO, the judge may issue a "permanent" restraining order. They are not really "permanent" because they usually last up to 3 years.

Criminal Protective Order or "Stay-Away" Order

Sometimes, when there is an incident of violence or severe harassment (or series of incidents), the district attorney will file criminal charges against the person committing the violence. This starts a criminal court case going. It is common for the criminal court to issue a criminal protective order against the defendant (the person who is committing the violence and abuse) that is effective while the criminal case is going on, and, if the defendant is found guilty or pleads guilty, for 3 years after the case is over.

THE RESTRAINING ORDER PROCESS

When someone asks for a civil harassment restraining order in court, they have to file court forms telling the judge what orders they want and why. What happens after that varies a little from court to court, but the general steps in the court case are:

1. The person wanting protection files court forms asking for the civil harassment restraining order.
2. The judge will decide whether or not to make the order by the next business day. Sometimes the judge decides sooner. Then, the clerk will set a date for a hearing.
3. If the judge grants (gives) the orders requested, he or she will first make "temporary" orders that only last until your court date. The court date will be on the paperwork. These temporary orders can include issues like:
 - Ordering the restrained person to have no contact (including no phone calls or e-mails) with the protected person (and other protected people); or
 - Ordering the restrained person to stay away from the protected person (and other protected people).
4. The person asking for protection will have to "serve" the other person with a copy of all the restraining order papers before the court date. This means that someone 18 or older (NOT involved in the case) must hand-deliver a copy of all the papers to the restrained person.
5. Both sides go to the court hearing.
 - If the protected person does not go to the hearing, the temporary restraining order will usually end that day and there will no longer be a restraining order.
 - If the restrained person does not go to the hearing, he or she will have no input in the case and his or her side of the story will not be taken into account.
6. At the hearing, the judge will decide to continue or cancel the temporary restraining order. If the judge decides to extend the temporary order, the "permanent" order may last for up to 3 years.

Read [Ask for a Restraining Order](#) for detailed instructions on how to ask for a civil harassment restraining order.

Read [Respond to a Restraining Order](#) for detailed instructions on how to answer a request for a civil harassment restraining order.

GETTING HELP

You do not need a lawyer to ask for (or respond to) a restraining order. BUT it is a good idea to have a lawyer. Click for [help finding a lawyer](#).

The court process can be confusing and intimidating. Both people will have to see each other in court, and both will have to tell the judge details of what happened in a public courtroom. Having a lawyer can help make the process easier to handle.

For the person asking for protection

Your city or county may have legal aid agencies that help people ask for civil harassment restraining orders, but it usually depends on the type of abuse or harassment. For example, if you have been sexually assaulted, you may be able to get help from legal aid or a domestic violence agency. Sometimes, these agencies will also help with stalking cases. And they may help in other situations. It is hard to know whether you will qualify for help without knowing the specific situation you are in.

So if you need a civil harassment restraining order, no matter why, first try to get help from your local legal aid agency. If they cannot help you, they may be able to send you to someone who can.

Click for help [finding a legal aid agency in your area](#).

Your court's [self-help center](#) may also be able to help you with the civil harassment restraining order or refer you to someone who can.

For the person responding to a restraining order

It is more difficult to find free or low-cost legal help if you are responding to a request for a civil harassment restraining order. But you should still try since legal aid agencies have different guidelines, and your local bar

association may have a volunteer lawyer program that can help you. Click for [help finding a lawyer](#).

Your court's [self-help center](#) may also be able to help you respond to the restraining order or refer you to someone who can.

Other resources

For victims of abuse:

- [National Domestic Violence Hotline](#)

1-800-799-7233
TDD: 1-800-787-3224

Call 24 hours a day, 7 days a week. They can help you in more than 100 languages. It is free and private.

The National Domestic Violence Hotline links you to the following resources in your community:

- Emergency shelters
- Legal help
- Social service programs

The website also provides a lot of information to help you get protection.

- [California Department of Public Health Violence Prevention Resource Directory](#)

This site lists help by county, like:

- Legal help with your restraining order
- Victim witness assistance programs
- Counseling services for victims of violence
- Crisis hotlines

For perpetrators of violence and abuse:

- [California Department of Public Health Violence Prevention Resource Directory](#)

This site lists help by county.

- If you need an "approved" batterer intervention program, contact your county [probation department](#) .

[Home](#) > [Instructional Materials](#) > [Civil Harassment](#)

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Civil Harassment

[Information](#)

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Information

[Civil Harassment Restraining Order Process Diagram](#) (7 KB) (prepared by the [San Francisco ACCESS Center](#))

[Do you need to file a for a Restraining Order?...or do you need more information?](#) (137 KB) (Prepared by the [Santa Clara Superior Court Self Service Center](#))

[No One Deserves to Be Abused: A Guide to Civil Restraining Orders](#) (423 KB) (Prepared by the [San Francisco ACCESS Center](#))

Also available in [Spanish](#), [Chinese](#), [Vietnamese](#), [Russian](#), and [Tagalog](#)

[[Back to Top](#)]

Instructions

[Instructions for Request for Restraining Order, Form CH-100](#) (prepared by the [Tuolumne County Superior Court](#))

[Instructions for Notice of Hearing and Temporary Restraining Order, Form CH-120](#) (prepared by the [Tuolumne County Superior Court](#))

[Instructions for Reissuance of TRO, Form CH-125](#) (prepared by the [Tuolumne County Superior Court](#))

[Instructions for Proof of Service by Mail, Form CH-131](#) (prepared by the [Tuolumne County Superior Court](#))

[Instructions for Restraining Order After Hearing, Form CH-140](#) (prepared by the [Tuolumne County Superior Court](#))

[How to Avoid the Denial of your Civil Harassment TRO](#) (prepared by the [Tuolumne County Superior Court](#))

[Instructions for the Restrained Person](#) (prepared by the [Tuolumne County Superior Court](#))

[Do you need a Civil Restraining Order?](#) (Rev. 1/2007) (Prepared by the [Santa Clara Superior Court Self Service Center](#))

[Civil Harassment Restraining Order](#) (ZIP, 13.1 MB) (prepared by the [Superior Court of California, County of Siskiyou](#)) This chart explains the legal process of how to obtain a Civil Harassment Restraining Order. This file is a zipped file in Microsoft Publisher format. You will need WinZip to unzip the file and Microsoft Publisher to view it. [Click here](#) (ZIP, 13.1 MB) for chart in Spanish.

[What's Next? Plaintiff Civil Harassment Restraining Order Checklist](#) (56 KB) (prepared by the [San Francisco ACCESS Center](#))

[Did You Receive Restraining Order Papers Against You?](#) (33 KB) (prepared by the [San Francisco ACCESS Center](#))

[Civil Temporary Restraining Order Clinic Instructions](#) (55 KB) (prepared by the [Superior Court of California, County of San Diego](#))

Also available in [Spanish](#).

[Telephone Triage Checklist - "I want to get a restraining order against someone."](#) (91 KB) (produced by the [Superior Court of California, County of Butte](#))

Civil Harassment Screening Checklist

1. How do you know the person against whom you want a restraining order? He/she is:

CH

- my neighbor
- my current or former roommate or subtenant (we are not related or are not or have not dated or been in a romantic relationship)
- a former friend/acquaintance
- my boyfriend's ex-girl or boyfriend
- my girlfriend's ex-boy or girlfriend
- my ex-boyfriend's new girlfriend or boyfriend
- my ex-girlfriend's new boyfriend or girlfriend
- my landlord or building manager
- my tenant
- a classmate or former classmate
- an adult harassing my minor child or grandchild
- a co-worker or former co-worker
- other: _____

DV

- my husband or wife or registered domestic partner
- my ex-husband, ex-wife or ex-registered domestic partner
- the father or mother of my child
- my boyfriend, girlfriend or ex-boyfriend or ex-girlfriend
- a person I am or was dating regularly
- a close relative by blood, adoption, legal marriage or registered domestic partnership:
- my parent
- my child or grandchild
- my brother or sister
- my grandmother or grandfather
- my in-law (for example, my mother-in-law)
- a person living with me or who used to live with me like family on a regular basis, whether actually related to me or not

2) Do you know this person's full name? Yes No Name is: _____

3) Do you have an address where this person can be given the restraining order papers?

Yes, this person address is (include city, state and zip code):

Home: _____

Job: _____

- No, but this person visits a certain place often or comes to my home or work often and I can have a friend or relative give him/her the papers there.
- No, I do not know where to find this person.

4) When was the last time this person harassed you? Date: _____

What did this person do to you on this day?

- hit me followed/stalked me destroyed/harmed my property (pet, car, home)
- threatened to physically harm me by stating: _____

called me several times, sent me several e-mails or text messages

other: _____

5) Has this person harassed you on other occasions? Yes No When? _____

6) Where did the incident(s) mostly occur? my home my work other: _____

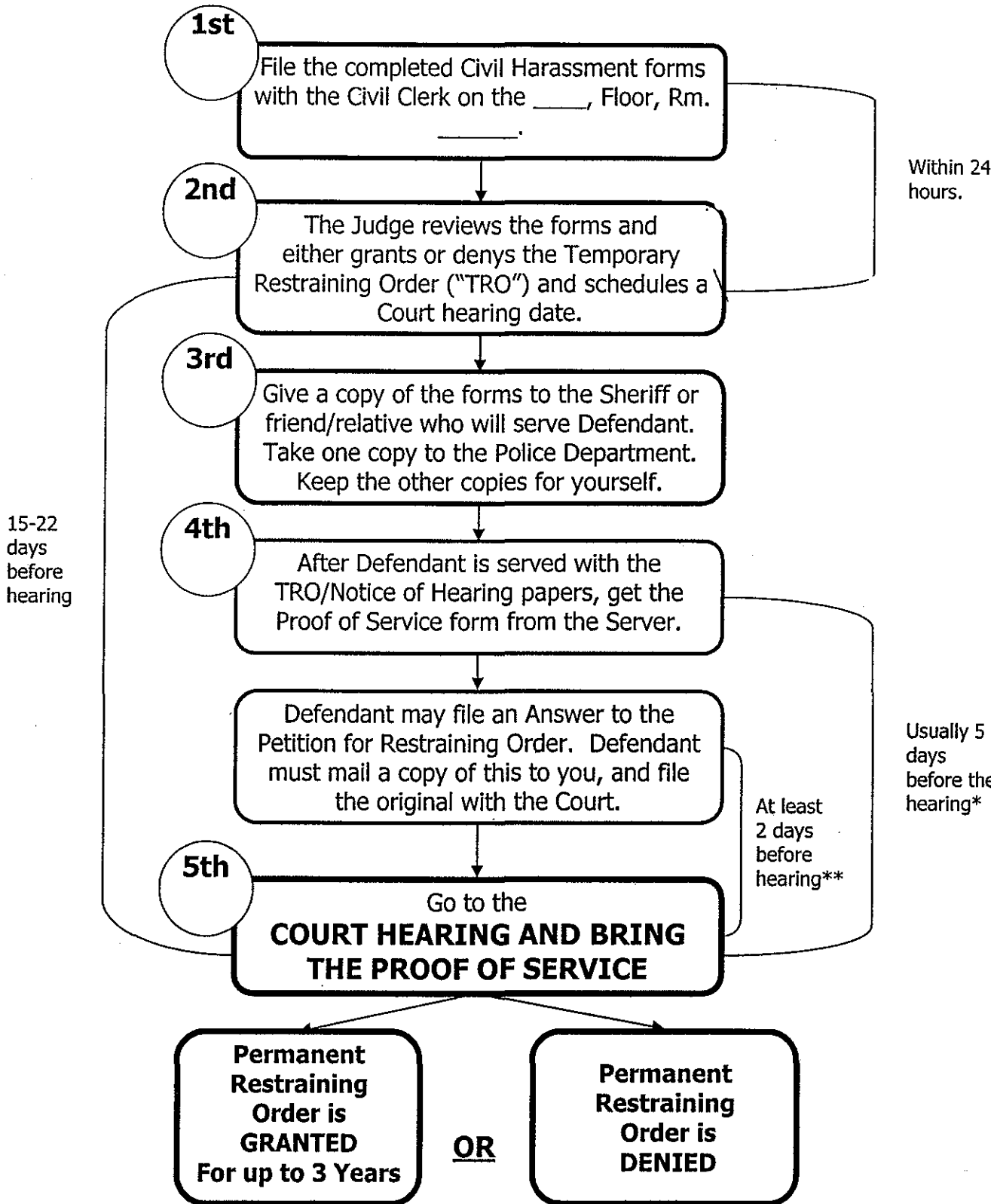
7) Are you afraid this person may harm you soon? Yes No

8) Has this person's behavior caused you significant (*check all that apply*):

fear physical injury anxiety/stress lack of sleep loss of appetite

other: _____

Flowchart



* In some cases, service may be made on Defendant up to 2 days before the court hearing. Read your papers carefully.

** In some cases, the Response may be filed up until one day before the court hearing. Read your papers carefully.

4

CIVIL HARASSMENT BOOKLET

PART 1

HOW TO FILE A CIVIL HARASSMENT CASE



SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE

To request a civil restraining order, refer to and fill out the attached forms.

- Information such as names, physical description, police departments, etc. must be the same on all of the forms.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

CIVIL PROTECTIVE ORDERS

	Elder or Dependent Adult Abuse Protective Order	Domestic Violence Restraining Order	Civil Harassment Restraining Order	Workplace Violence
This order may be appropriate for you if:	<p><u>You are:</u></p> <ul style="list-style-type: none"> • A person 65 years of age or older • A person between 18 and 64 years of age and who has a mental or physical condition that prevents you from carrying out normal activities (a dependent adult) <p><u>And you have been:</u></p> <ul style="list-style-type: none"> • Physically or financially abused • Mentally or emotionally abused • Neglected, abandoned or abducted • Isolated • Deprived by a caregiver of goods or services needed to avoid harm or suffering 	<p><u>You have one of the following relationships with the restrained person:</u></p> <ul style="list-style-type: none"> • Spouse or former spouse • Cohabitant or former cohabitant¹ (with a romantic or close² relationship) • Current or past dating relationship • Parent or child • Brother, sister, grandparent or grandchild • Step-parent, step-child, step-brother, step-sister, step-grandchild, step-grandparent (if <i>blood</i> parent of step-parent) • In-laws: Any relationship to a spouse's <i>blood</i> relatives (parent, son, daughter, brother, sister, grandparent, grandchild) <p><u>And you have been:</u></p> <ul style="list-style-type: none"> • Abused³ (physical, spoken or written) <p>The order may also protect other family or household members.</p>	<p><u>You and the restrained person:</u></p> <ul style="list-style-type: none"> • Do not have a Domestic Violence case open <p><u>And you have been:</u></p> <ul style="list-style-type: none"> • Stalked • Harassed • Sexually Assaulted • Threatened with violence <p>The order may also protect other family or household members.</p>	<p><u>You are:</u></p> <ul style="list-style-type: none"> • An employer of employee (including volunteer or independent contractor who performs services at the worksite, member of the board of directors or public officer) <p><u>And employee has:</u></p> <ul style="list-style-type: none"> • Suffered violence at the workplace • Received threats of violence at the workplace <p>The order may also protect other family or household members.</p> <p>An employee cannot ask for a workplace violence restraining order. Only an employer⁴ may request this type of protective order.</p>
If granted, the court can order someone to:	<ul style="list-style-type: none"> • Not contact you • Stay away from you and your home • Move out of your home • Not own or possess a gun 	<ul style="list-style-type: none"> • Not molest, attack, strike, stalk, assault, batter, threaten, sexually assault, or harass (personally or by telephone) you • Not destroy your personal property • Not come within a specified distance • Not own or possess a gun • Move from the home you share <p>The Court may also order: Child custody, visitation, supervised visitation or no visitation; child support, spousal support, and repayment of monies lost due to the violence or threats</p>	<ul style="list-style-type: none"> • Not contact you • Stay away from you, your home (unless you are roommates) and your work • Not assault, batter, threaten, stalk, or harass (personally or by telephone) you • Not own or possess a gun 	<ul style="list-style-type: none"> • Not assault, batter or stalk you • Not telephone or send correspondence to you • Not enter the workplace • Stay a specific distance away from you • Not own or possess a gun

Form# L-0779 (Revised 1/01/11)

You may get additional help from the resources listed on the back of this pamphlet.

¹ A cohabitant is a person who regularly resides in the household. Tenants or roommates subletting rooms in the same house do not meet the relationship requirement for a Domestic Violence Restraining Order unless they have a romantic or close relationship.

² A close relationship is one where the persons share a common goal and mutual interests beyond that of roommates.

³ Abuse means to hit, kick, grab, choke, hurt, scare, throw things, pull hair, push, follow, harass, assault with a weapon, force to participate in unwanted, unsafe or degrading sexual activity, or threaten to do any of these things.

⁴ Employer is defined as the following:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. Labor Code 350(a)

- A federal agency, the state, a state agency, a city, county, or district, and a private, public or quasi-public corporation, or any public agency thereof or therein. Code of Civil Procedure 527.8(d)

If you are in immediate danger, you may need an EMERGENCY PROTECTIVE ORDER

Emergency Protective Order	
This order may be appropriate for you if:	You are in immediate danger.
If granted, the court can order someone to:	<ul style="list-style-type: none"> Stay away from you, your home, and your work. Immediately move from your residence. Not own or possess a gun. <p>The Court may also order: Temporary care and control of a minor child to the protected person.</p>
The order lasts:	Up to 7 days.
You may get help from:	<p>Any Law Enforcement Officer can help you with an Emergency Protective Order.</p> <p><i>If you need protection for longer than 7 days, you must come to court and ask for another type of restraining order.</i></p>

YOU MAY GET HELP FROM:

Superior Court of Orange County Self-Help Center

Central Justice Center
700 Civic Center Drive West, 1st Floor
Santa Ana, CA 92701
(657) 622-7577

Lamoreaux Justice Center
341 The City Drive, 1st Floor
Orange, CA 92868
(657) 622-5079

Domestic Violence Assistance Program

Lamoreaux Justice Center
341 The City Drive, 6th Floor
Orange, CA 92868
(714) 935-7956

Adult Protective Services (APS)

Social Services Agency
PO Box 22006
Santa Ana, CA 92702-2006
(800) 451-5155

Legal Aid Society

2101 N. Tustin Ave
Santa Ana, CA 92705
(714) 571-5200

Orange County Bar Association's Lawyer Referral Service

(877) 257-4762

SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE



GUIDE TO PROTECTIVE ORDERS

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

CIVIL HARASSMENT CHECKLIST

Family Law and Domestic Violence matters are filed at the Lamoreaux Justice Center.

If issued, a temporary civil harassment restraining order will remain in effect until a hearing can be held to determine whether you should have a permanent restraining order. A civil harassment restraining order cannot be used to prevent a person from entering or remaining in his or her own residence. Before the initial hearing can be held, there are certain steps that **must** be followed.

- FILE AT THE CORRECT JUSTICE CENTER. Where you can file your case is determined by where the defendant lives or where the alleged violence took place, if this area is:
 - ✓ Santa Ana, Orange, Tustin, Villa Park, or other surrounding unincorporated areas you will file at the Central Justice Center.
 - ✓ Anaheim, Brea, Buena Park, Fullerton, La Habra, La Palma, Placentia, Yorba Linda, or other surrounding unincorporated areas you will file at the North Justice Center
 - ✓ Cypress, Fountain Valley, Garden Grove, Huntington Beach, Los Alamitos, Seal Beach, Stanton, Westminster, or other surrounding unincorporated areas you will file at the West Justice Center.
 - ✓ Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Costa Mesa, Irvine, Newport Beach, or other surrounding unincorporated areas you will file at the Harbor Justice Center – Laguna Hills Facility.

- COMPLETE FORMS. The forms are contained in the “Civil Harassment Booklet.” Included in the booklet are step-by-step instructions. You must complete all paragraphs on each form used.

- NOTICE OF THE HEARING. You must give written or telephonic “notice” to the defendant of when and where you will be seeking a Temporary Restraining Order, or give the court a good reason why you could not give such notice. (Section 527.6 of the California Code of Civil Procedure)

- WHAT DAY AND TIME WILL THE TEMPORARY RESTRAINING ORDER BE HEARD?

Central Justice Center:	Monday – Friday
North Justice Center:	Monday – Friday
West Justice Center:	Monday – Friday
Harbor Justice Center – Laguna Hills:	Monday – Friday

- Final check-in at Clerk’s Office is 4:30 PM. All parties should appear in the Clerk’s Office no later than 3:30 PM to complete the paperwork.

- INTERPRETERS

Court proceedings are conducted in English. The Court cannot always provide interpreters for civil harassment proceedings. If you will need an interpreter to understand the proceedings and assure that the judicial officer will be able to understand what you have to say, you should arrange to have an interpreter present.

- COST. Payment may be cash, personal check made payable to “Clerk of the Court,” or by one of the following credit cards: MasterCard, Visa, American Express, or Discovery. This fee may be excused. See #16 of the Request for Orders to Stop Harassment.

INSTRUCTIONS TO FOLLOW AFTER THE INITIAL TEMPORARY RESTRAINING ORDER HEARING

- ❑ **Give Copies of the Following Form to Each Law Enforcement Agency Listed on the Order by Midnight of the Day on Which the Order Was Issued.**

- ✓ Certified copy of the Notice of Hearing and Temporary Restraining Order

- ❑ **Have a Copy of the Court Papers Delivered to the Other Party.**

You must arrange to have the court papers delivered to the defendant at least 5 days prior to the hearing, unless the Judge has shortened the time for service. This is commonly called “service.” The scheduled hearing cannot proceed unless the other side has received copies of all documents.

You cannot give the papers to the defendant yourself. The court papers may be delivered (served) by a licensed process server, the Sheriff, or person not a party to the action who is at least 18 years of age. This service is not done by local police departments.

Sheriff’s Office, for service of documents:

(714) 569-3700; 909 N. Main Street, Santa Ana

- ❑ **What Papers Are Delivered?**

There are a total of five papers that the defendant must receive.

- ✓ Request for Orders to Stop Harassment
- ✓ Certified copy of Notice of Hearing and Temporary Restraining Order (CLETS)
- ✓ Answer to Request for Orders to Stop Harassment (blank form)
- ✓ How Can I Answer a Request for Orders to Stop Harassment
- ✓ Proof of Firearms Turned in or Sold (blank form).

- ❑ **After Having the Defendant Served, Return the Completed Proof of Personal Service to the Court before the Hearing Date.**

- ✓ Give a copy of the completed proof of service for each law enforcement agency listed on your order.
- ✓ File the original Proof of Personal Service with the clerk’s office any time BEFORE the hearing date.

- ❑ **Keep a Certified Copy of the Notice of Hearing and Temporary Restraining Order with You at All Times in Case You Need to Show it to a Law Enforcement Officer.**

Any other protected persons that are listed on the order should also keep a copy with them. If you are unable to serve the defendant, you may complete an Application and Order for Re-issuance of Temporary Restraining Order.

- ❑ **Be Prepared for the Hearing!**

You must arrange to have all witnesses and evidence present at the hearing. It is your responsibility to have a subpoena served on any witness in order to guarantee the witness’s presence at the hearing.

Court proceedings are conducted in English. The Court cannot always provide interpreters for civil proceedings. If you will need an interpreter to understand the proceedings and assure that the judicial officer will be able to understand what you have to say, you must arrange to have an interpreter present.

If you do not know an interpreter, you are welcome to use the list of qualified interpreters maintained by the Court. The list is available in the 3rd floor offices of Court Reporter and Interpreter Services. The list contains interpreter names and telephone numbers so you may contact them directly and arrange to pay them for their services.

- ❑ **Instructions to Follow after the Hearing for Permanent Restraining Order.**

- ✓ If the defendant was not present at the hearing, serve the defendant with a certified copy of the Restraining_Order. Remember, you cannot do the serving yourself.
- ✓ After service is complete, have the server complete and sign the Proof of Personal Service.
- ✓ Make copies.
- ✓ Again, the original Proof of Service form must be filed with the Court.
- ✓ Provide the following copies to the law enforcement agencies named on the order:
 - Certified copy of the Restraining Order after Hearing to Stop Harassment.
 - Copy of Proof of Personal Service
- ✓ Keep a copy of the Restraining Order after Hearing to Stop Harassment with you at all times. Any protected persons should also keep a copy with them.

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Civil Harassment Mediation Program Materials

VENTURA SUPERIOR COURT

CIVIL HARASSMENT INFORMATION & MEDIATION ORIENTATION

14 Minute VIDEO ON LINE

<http://www.ventura.courts.ca.gov/venturamasterframes32.htm>

**Watch a short video!
Learn about mediation.**

What is Mediation?

- Mediation is a voluntary and confidential meeting with a trained, impartial mediator.
- The mediation process helps people communicate in a respectful and effective way.
- The mediator will help you define the issues that are most important to you, as well as help you to overcome obstacles and explore workable solutions.
- The mediator will help you explain your concerns and interests, as necessary.

You do not have to meet personally with the other person if you do not feel safe. You make that decision, not the mediator.

Benefits of Court Connected Mediation

- Court connected mediation - held at the court house- is free.
- You can avoid the pressures of having to act as your own attorney in a court trial.
- Mediation can level the playing field and relieve feelings of intimidation, especially if the other side has an attorney.
- You will reach your own solution. Solutions that address the interests and needs of the parties have a better chance of getting the other person to cooperate.
- The court knows less about the dispute than you do, and therefore may not give you the result you are seeking.
- You can potentially reach an agreement on all issues that concern you. All discussions during the mediation are confidential, and cannot be repeated at trial. You can speak freely about your feelings, concerns, suspicions, etc.
- Clear, respectful communication. If you have a relationship of any kind with the other party and may deal with them in the future, mediation can provide the opportunity for understanding, better communication or reconciliation.

If you do not reach agreement in mediation, you can still have a trial.

Plaintiff(Name, Address, Telephone)	Defendant(Name, Address, Telephone)	FOR COURT USE ONLY
ATTORNEY(Name, Address, Telephone)	ATTORNEY (Name, Address, Telephone)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA <input type="checkbox"/> 800 SOUTH VICTORIA AVE., VENTURA CA. 93009 <input type="checkbox"/> 3855 - F ALAMO ST., SIMI VALLEY, CA. 93063-2110		Judicial Officer
		Date
		Case Number
Civil Harassment Mediation Appointment Form		

Instructions:

1. The Ventura Superior Court has referred the Plaintiff and Defendant in this case to a Court Connected Civil Harassment Mediation Program.
2. The Plaintiff and Defendant must immediately call and provide their contact information to and receive further instructions and information about their mediation appointment from;

Ventura Center for Dispute Settlement

1200 Paseo Camarillo, Suite 170, Camarillo, CA 93010

Sandra D. Rubio, Executive Director

Phone: 805.384.1313 Email: SRubio@vcds.bz Web Page: www.vcds.bz

3. The Plaintiff must serve a copy of this form on the Defendant along with any court orders.

Your Mediation Appointment will be held at the Superior Courthouse

The Superior Court has set your MEDIATION APPOINTMENT * on:

Day _____ Date _____ Time: _____

At the following Superior Court location:

Courtroom 34 at the Ventura Court, 800 S. Victoria Ave, Ventura CA 93009

Or

Court S2 at the Simi Court, 3855-F Alamo St. , Simi Valley CA 93063-2110

*** The Ventura Center for Dispute Settlement has the court's authority to change or not change any mediation appointment date and time set by the court.**

Reviewed and Approved by: _____ Date: _____
 Judicial Officer

Restraining Order Mediation

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

AGREEMENT TO MEDIATE

We agree to the following conditions and are authorized to negotiate the terms of an agreement that will resolve this case. Mediation will be conducted pursuant to Sections 703.5, 1115-1128 of the California Evidence Code.

Confidentiality: Restraining Order Mediation is a confidential communication process. By signing this agreement to mediate all parties are indicating their awareness that the mediation process includes the following rules of confidentiality and exceptions;

- **The only documents that may be introduced as evidence in civil court** created in connection with this mediation are this agreement to mediate and/or a copy of the signed agreement resulting from this mediation.
- **The parties cannot subpoena the mediator** or compel the mediator to produce any documents provided by a party in any pending or future administrative or civil proceeding.
- **Mediators may meet with parties alone or together.** Mediation may consist of meetings with parties together or in separate sessions. The mediator or either party may request separate sessions during the mediation. If the mediator meets separately with each side, the statements you make to the mediator in that private meeting are confidential, unless you give permission to the mediator to give information to the other side.
- **Exceptions to Confidentiality:** All communication, negotiations or settlement discussion by participants during mediation or a mediation consultation shall remain confidential with the following exceptions; threats of imminent physical harm, information concerning child abuse or elder abuse, acts of violence that occur during the mediation. (Evidence code 1119 (c), 1122, 1123). It is also understood that mediators may make non-identifying disclosures for educational and research purposes.

Date: _____ Case # _____

Bench Officer _____

Plaintiff - Print Name

Mediator

Defendant - Print Name

Plaintiff - Signature

Mediator

Defendant - Signature

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

Civil Harassment Mediation

MEDIATED SETTLEMENT AGREEMENT

Ventura County Superior Court Case Title: _____

Case Number: _____

The parties _____ and _____ have reached a voluntary, mutual agreement as follows:

1. This agreement is binding on the parties, and

2. (a) The parties request that this matter be dismissed.

OR

2. (b) The parties agree that this matter be continued for approximately _____ days to _____, 20__ for dismissal. During this period if either party fails to abide by (or meet) the terms and conditions of this settlement agreement, the other party may request a hearing on the original petition requesting a restraining order. This settlement agreement will be admissible for the Court's consideration at the time of the renewed hearing on the petition.

Terms and Conditions of the Settlement Agreement are as follows:

Date: _____

Plaintiff

Defendant

Judicial Officer

Page ____ of ____

ADDITIONAL TERMS AND CONDITIONS CONTAINED IN A MUTUAL STAY AWAY AGREEMENT ARE ATTACHED AS Page ____ of ____

All parties acknowledge that this agreement is in their own words.

The parties by their initials agree that they are entering into this agreement freely and voluntarily, and without any threats or undue pressure.

Initials: _____ / _____
Plaintiff(s) Defendant(s)

The parties by their initials acknowledge and agree that they are entering into this agreement without legal advice from the mediator or the court.

Initials: _____ / _____
Plaintiff(s) Defendant(s)

Date: _____ Plaintiff(s): _____

Date: _____ Plaintiff(s): _____

Date: _____ Defendant(s): _____

Date: _____ Defendant(s): _____

Plaintiff (Name, Address, Telephone)	Defendant (Name, Address, Telephone)	FOR COURT USE ONLY
ATTORNEY(Name, Address, Telephone)	ATTORNEY (Name, Address, Telephone)	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA		Judicial Officer
<input type="checkbox"/> 800 SOUTH VICTORIA AVE., VENTURA CA. 93009		Date
<input type="checkbox"/> 3855 - F ALAMO ST., SIMI VALLEY, CA. 93063-2110		Case Number
MUTUAL STAY AWAY AGREEMENT		

1. Each of you have made a promise, under oath, that you will not do anything of the following to anyone involved in this case:
- Harass • Stalk • Contact • Attack • Keep Under Surveillance
 - Threaten • Molest • Telephone • Strike • Destroy Personal Property
 - Follow • Sexually Assault • E-mail • Batter • Disturb the Peace
 - Block Movement in Public Places or Thoroughfares • Communicate by Any Means Through a Third Party
 - Other: Each party must stay yards away from place of residence, place of employment and not communicate by text message or by using online social networking such as "My Space" or "Facebook"
- In addition, each of you must not encourage any of your friends or family members to do anything prohibited by this agreement or any of the court's orders in this case.

2. This **MUTUAL STAY AWAY AGREEMENT** is not a restraining order, and any temporary orders issued in this case are now terminated. However, you still have the right to request a temporary or permanent restraining order at any time.
3. If no one appears at the **follow up hearing, your matter will be dismissed.**

Follow Up Hearing	Date	Time	Department
-------------------	------	------	------------

4. If someone else involved in this case has unauthorized contact with you, do not respond by doing any of the prohibited activities described above in item 1. Instead you may do the following:
- a. In case of an emergency or if a crime has been committed, contact law enforcement for assistance. Law enforcement officers may arrest any person for the commission of a crime, but they may not arrest a person solely for violating the Stay Away Agreement.
 - b. Request an earlier date for the follow-up hearing by filing a petition for temporary or permanent restraining order.
 - c. Attend your follow –up hearing and ask the court for further relief as described above in item 4b.

THIS IS NOT A RESTRAINING ORDER

5. This is **MUTUAL STAY AWAY AGREEMENT** applies to:

Printed Name	Date of Birth	Signature

Reviewed and Approved by: _____ Date: _____
Judicial Officer

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Leading California Court-Connected Civil Harassment Mediation Programs

CHaMPs
(Civil Harassment Mediation Program)
PROJECT FINAL REPORT

**Prepared by
Ventura Superior Court
Ventura Center for Dispute Settlement
Prof. A. Marco Turk
Cheryl Allain-Mee**

December 2009 to April 2011

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Appendix A: 2010 Ventura Court Civil Harassment Mediation Program Bench Guide

Appendix B: Surveys Presented Civil Harassment Mediation Program Meeting 10/9/09
1) CHM Agency Survey, 2) CHM Court Survey, 3) CHM Mediator Survey

Appendix C: Table of Contents from Civil Harassment Mediation Training Manuals;
a) Ventura Center for Dispute Settlement b) Los Angeles Superior Court

Appendix D: Los Angeles Superior Court Flyer Re: Civil Harassment Mediation - Text

Appendix E: Lake / Mendocino Court CH Mediation brochures: English & Spanish

Appendix F

- F2-A** Confidentiality Draft 1622 Form Proposal (2005)
- F2-B** CH Case Selection Protocol Contra Costa
- F2-C** Congress of Neutrals Civil Harassment Mediated Settlement Agreement
- F2-D & E** Sonoma County Civil Harassment Agreement Forms
- F2-F** 2010 Mutual Restraining Order Form Ventura 2-23-10
- F2-G** Creative Mediation - What to Expect V2
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- Appendix G:** Ventura Superior Court Civil Harassment Mediation Program Power Point Presentation to Encourage Support from Presiding Judges and Court Executives for the Civil Harassment Program and Symposium
- Appendix H:** Ventura Superior Court Civil Harassment Mediation Orientation DVD

1) Introduction to Court-Connected Civil Harassment Mediation Programs

a) Purpose of Civil Harassment Mediation

In civil harassment (CH) cases, Restraining Orders are sought by individuals who assert that they are concerned about their safety because someone has stalked, threatened, or assaulted them. The plaintiff seeking the order must show clear and convincing evidence of harassment which is defined by in the California Code of Civil Procedure, section 527.6

(b) as:

...unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the plaintiff.

Generally, petitioners first file at court on an ex parte basis to seek a Temporary Restraining Order (TRO) which can be in effect for either 15 or 22 days. At that time, whether the TRO is granted or not, a court date is set where both parties attend and the court determines whether the legal tests are met so as to enable the court to issue a Permanent Restraining Order. In order to grant a TRO, a judge must determine that (1) there is reasonable proof that the petitioners has been harassed under the law, and (2) the person will suffer great harm if the restraining order is not granted at that time. If the Permanent RO is granted, the petitioner supplies a copy of it to his/her local police department and the defendant must surrender all firearms within 24 hours. As well, the Permanent RO is entered into the California Law Enforcement Telecommunications System [CLETS] database. Law enforcement agencies can access this database, as can those who perform criminal background checks, such as potential landlords or employers. A Permanent RO can last up to three years. Violation of the RO can result in arrest, fine and/or incarceration.

Mediation is a voluntary, confidential alternative dispute resolution process where a trained impartial intermediary helps parties in conflict communicate respectfully and effectively with each other. The mediator facilitates communication by helping the parties define issues, identify interests and concerns, and explore potential solutions. The mediator assists the parties in reaching a mutually acceptable resolution of all or a part of their dispute. With the help of the mediator, the parties decide for themselves what resolution works best for them. In last the 30 years California courts have provided and supported mediation programs and best practices.

In California, mediation programs funded through the Dispute Resolution Programs Act (DRPA) and most recently, court-connected programs funded by the Administrative Office of the Courts (AOC), have increasingly found that mediation of civil harassment

cases offers an opportunity for parties to resolve their issues without the necessity of a court trial. Civil harassment cases are typically relationship-based and include neighbors, former friends, community members who frequent the same venue (e.g. senior center, gym, PTA), and students that attend the same school. Technology has expanded the types of harassing behaviors that can occur. For example, cyber bullying on social networks, harassment by social media, and harassment by texting and email has increased in recent years along with the increasing use of electronic communication and devices by the public.

Mediation can resolve interpersonal disputes in ways which cannot be provided in a court trial. For example, in mediation the parties can agree to stay away from each other, without having the serious ramifications for the defendant of being registered in the CLETS database. In some cases the parties may realize that they would prefer to find a way to peacefully co-exist as opposed to stay away from each other. If the parties have the desire to preserve their personal relationship, mediation can achieve this, whereas the “win or lose” aspect of a court trial is unlikely to do this, and may actually inflame or worsen the conflict, in some cases. There are cases in which it may be simply impractical for the parties to avoid crossing paths due to work, extended family or residential relationships. Mediation can provide a way for the parties to plan how they can respectfully interact in the future. Mediation provides parties with a more private forum to settle differences. Self represented parties are often challenged to muster the skills necessary to perform in trial courts and adequately present a case with evidence to the court. Overall, mediation offers the parties an informal, simplified, less stressful, quicker alternative to presenting their case before the judge at public court hearing.

The courts and the public benefit from the mediation of CH disputes. Mediation can effectively reduce trial court time per case. In a larger sense, when a significant number of CH cases are settled by mediation, trial courts are more efficient and trial court judges can devote more time to challenging or complex CH cases or other matters of restraining orders or criminal protective orders that may pose a greater risk to public safety.

b) Necessity for Civil Harassment Mediation Programs

In recent years, there have been an increasing number of Civil Harassment filings, resulting in greater burdens on court dockets and all that entails. In Ventura, CH cases present the fastest growing type of case for which people seek assistance from the Ventura Court’s Legal Self Help Access Center. The year to year percentage increase in requests for assistance with civil harassment matters was 67% from 2007 to 2008, 89% from 2008 to 2009 and 128% from 2009 to 2010. In 2010, there were 932* requests for assistance. (* In October 2009 civil harassment

case were re-routed from the Family Law Self Help Center (3rd floor) to the Self Help Legal Access Center (4th floor) at the Ventura Courthouse. This explains part of the 2010 increase)

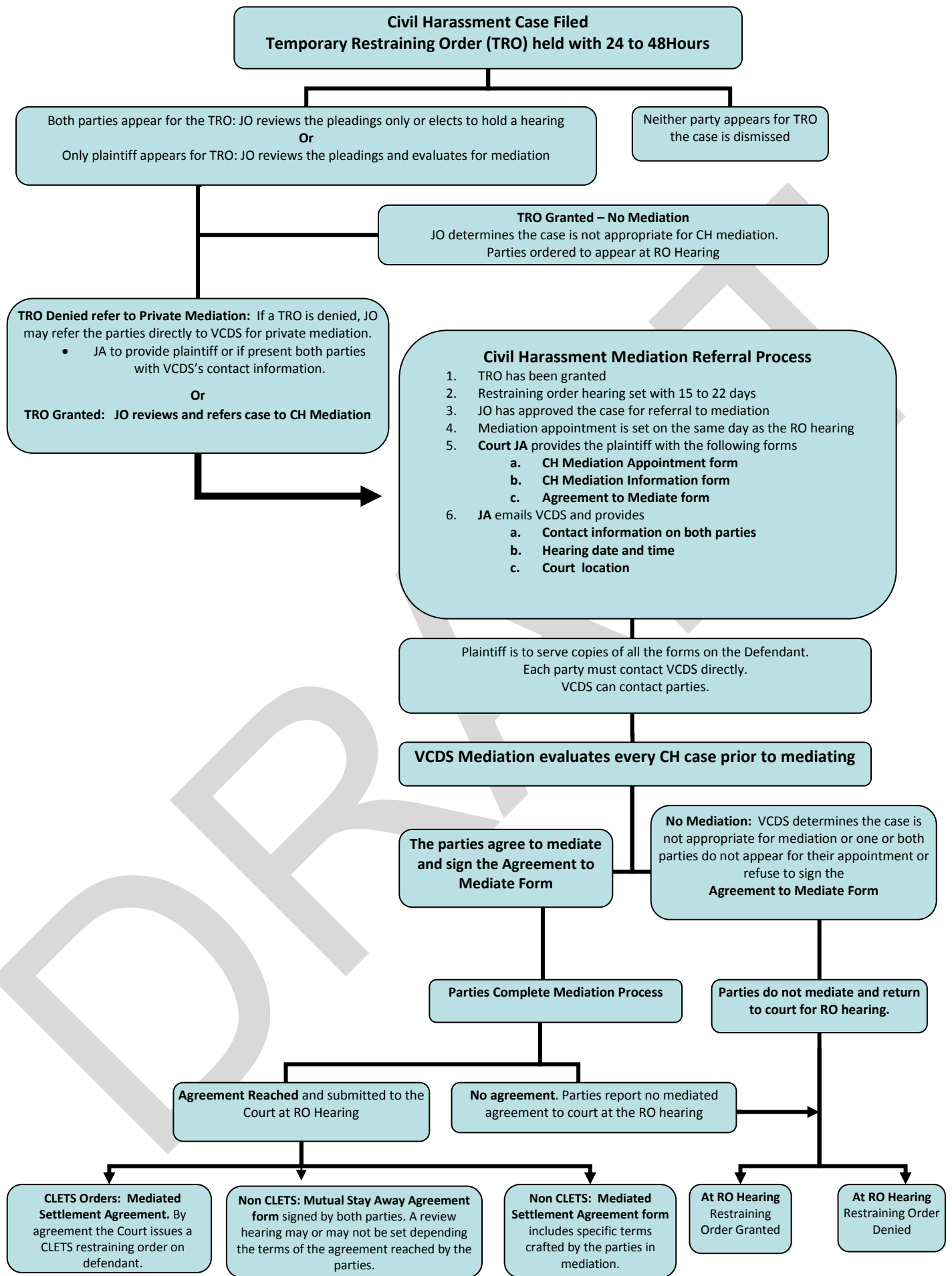
c) Community Mediation and Civil Harassment Mediation – Court-Connected Programs

This report offers examples from four counties with different demographics that currently have CH mediation programs offered at their courts: Ventura, San Luis Obispo, Lake and Mendocino. Ventura and San Luis Obispo both work with DRPA funded organizations to offer these services. Lake and Mendocino have a collaborative program that operates with grant funding from the Administrative Office of the Courts. Ventura offers an example of a large somewhat suburban area (population 800,000), San Luis Obispo could be categorized as medium-sized (population 270,000), and both Lake and Mendocino are geographically large, sparsely populated rural counties (combined population 150,000). The policies and procedures of these three programs are described for illustration purposes and as possible models for other counties to follow. Each program can be replicated in part or in its entirety, and can be adjusted for counties that are larger or smaller.

In 2010, the settlement rates for each county were as follows: Ventura, 30 cases mediated and 83% settled, San Luis Obispo, 10 cases mediated (program commenced in March 2010) and 50% settled, Lake, 54 cases mediated with a 73% settlement rate, and Mendocino, 35 mediations with 74% resulting in agreement

d) Civil Harassment Case Flow Process

The following page has an illustrated case flow chart of the Ventura CH program. In a general sense, the sequence for CH mediation is similar in other counties, with exceptions. In Ventura, cases are scheduled for mediation on the same day as the Permanent Restraining Order hearing (Order to Show Cause hearing) thus parties have 15 to 22 days of notice of the mediation date. In San Luis Obispo, mediations also occur on the day of hearing. Some of those are arranged in advance and some are referred to mediation on the day of the hearing. In Lake/Mendocino, all mediations occur at the first appearance or Order to Show Cause hearing.

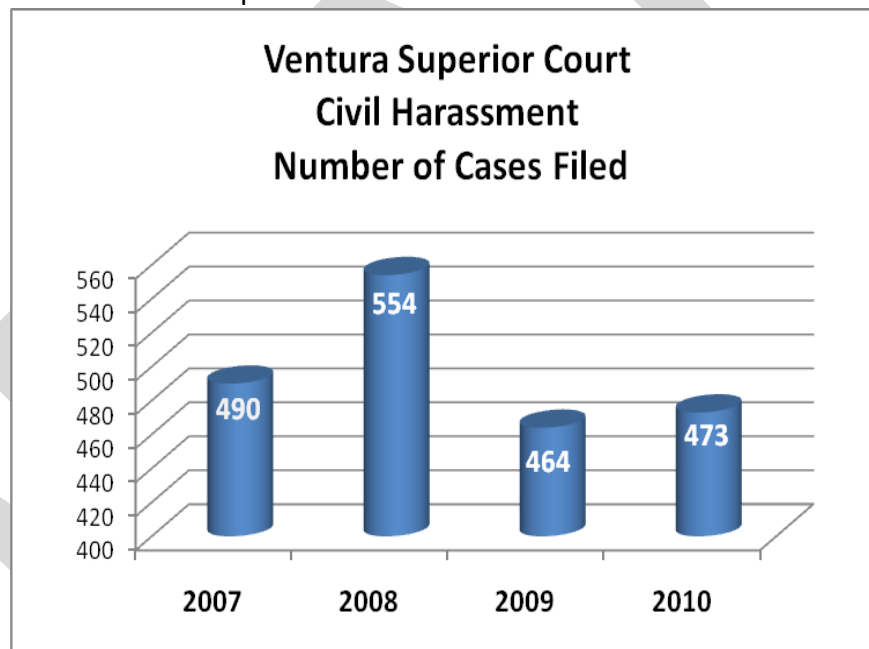


Ventura Superior Court and VCDS CH Mediation Program Data

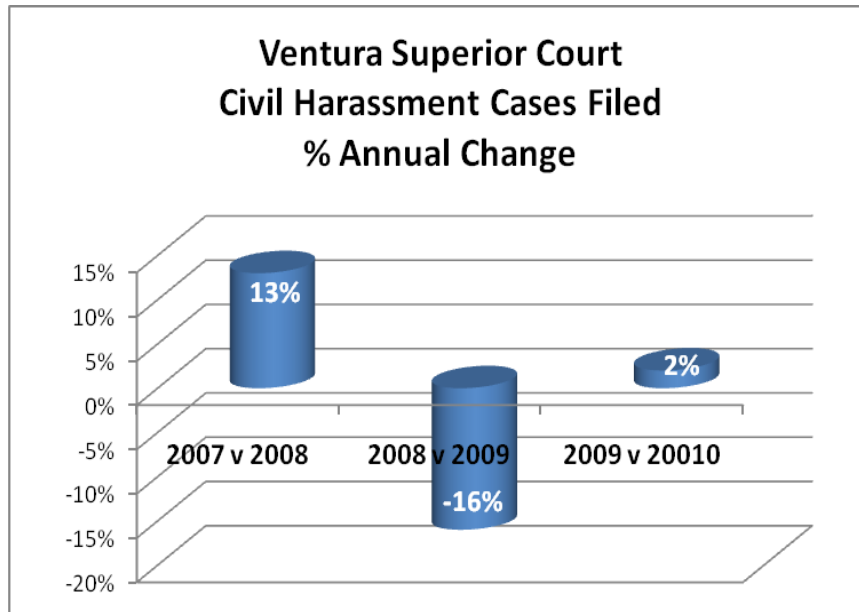
In Ventura, the VCDS CH mediation program began providing services in January 2010. Court case disposition data was collected from a period of 2007 to 2010 to make comparisons before and after the civil harassment mediation program began.

The results and conclusions made from this preliminary before and after study are correlative and may not be causative. It is too early to conclude that a causal relationship was measured in this study until the study is repeated in other courts and over an extended period of time of two or three years. The following data compares the number of cases and annual increases or decrease in number and percentages concerning civil harassment cases. Data includes cases from the following sources 1) the court self help centers 2) the court filings, 3) courtroom hearings and 4) mediation session conducted.

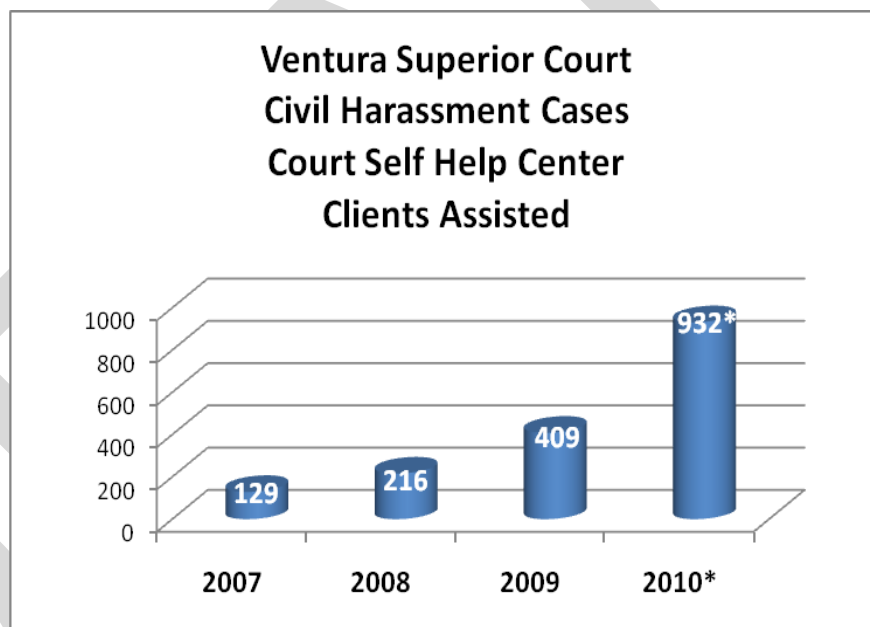
All of the following data and charts illustrate the changes in the number of civil harassment cases filed at the Ventura Superior Court from 2007 to 2010



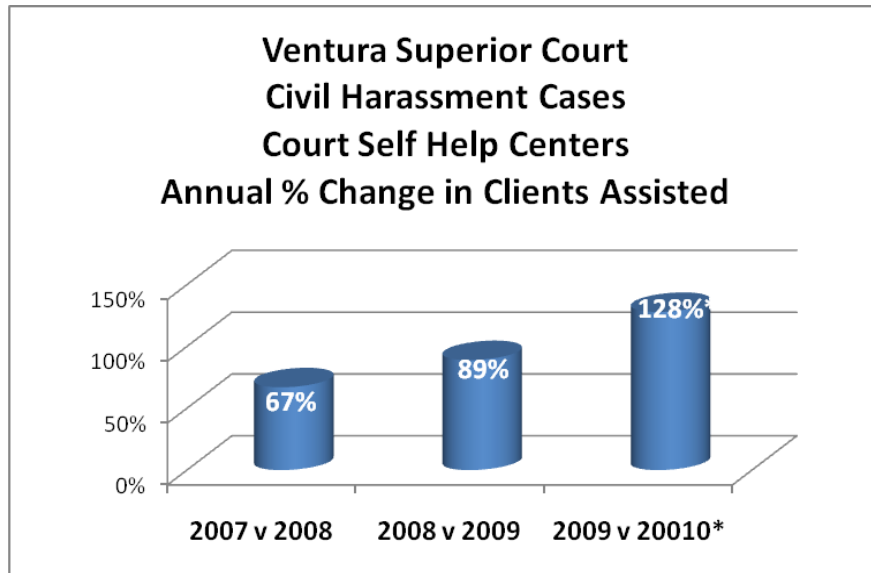
The data illustrates the total number of civil harassment cases filed at the Ventura Superior court, included are all court locations.



The data illustrates the annual percentage change in the total number of civil harassment cases filed at the Ventura Superior court from 2007 vs. 2008, 2008 vs. 2009 and 2009 vs. 2010

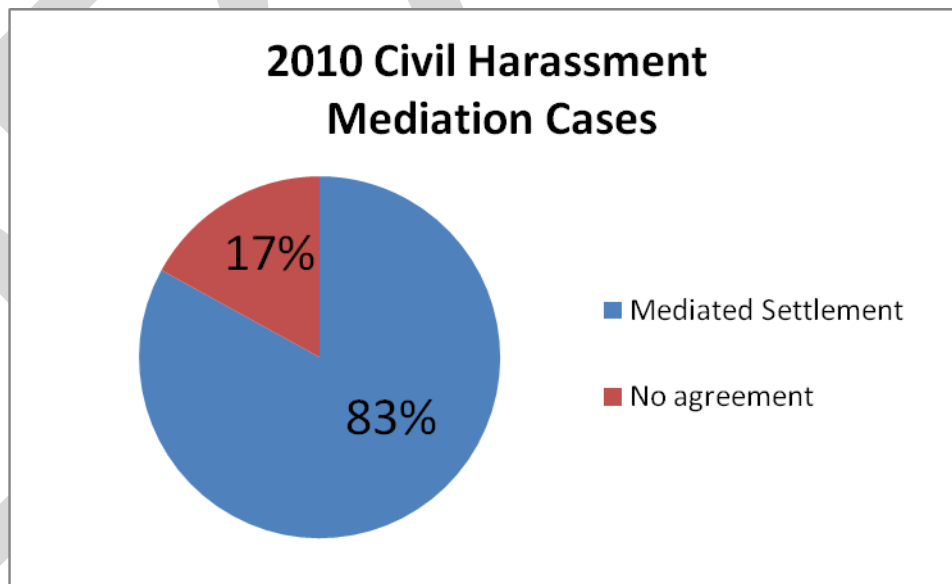


The data illustrates the total number of civil harassment clients assisted at all the Ventura Superior Court Self Help Centers locations. (Data from 2007 to 2009 excludes cases in the family law centers * In October 2009 people needing self help assistance concerning civil harassment were re-routed from the Family Law Self Help Center (3rd floor) to the Self Help Legal Access Center (4th floor) at the Ventura Courthouse. This change explains part of the accelerated increase in the number of clients assisted at self help in the years 2009 to 2010)

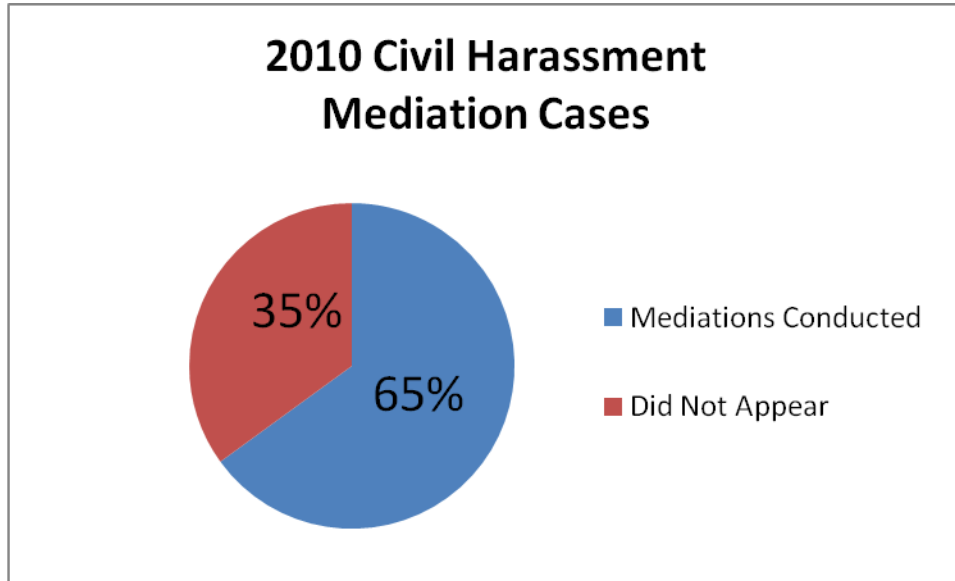


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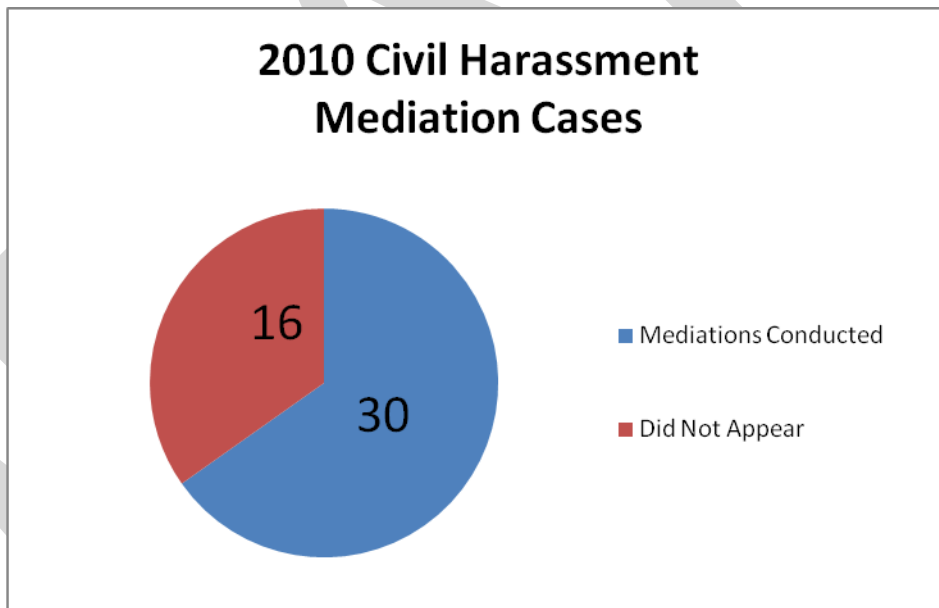
VCDS Civil Harassment Mediation Program Outcome Data in January to December 2010



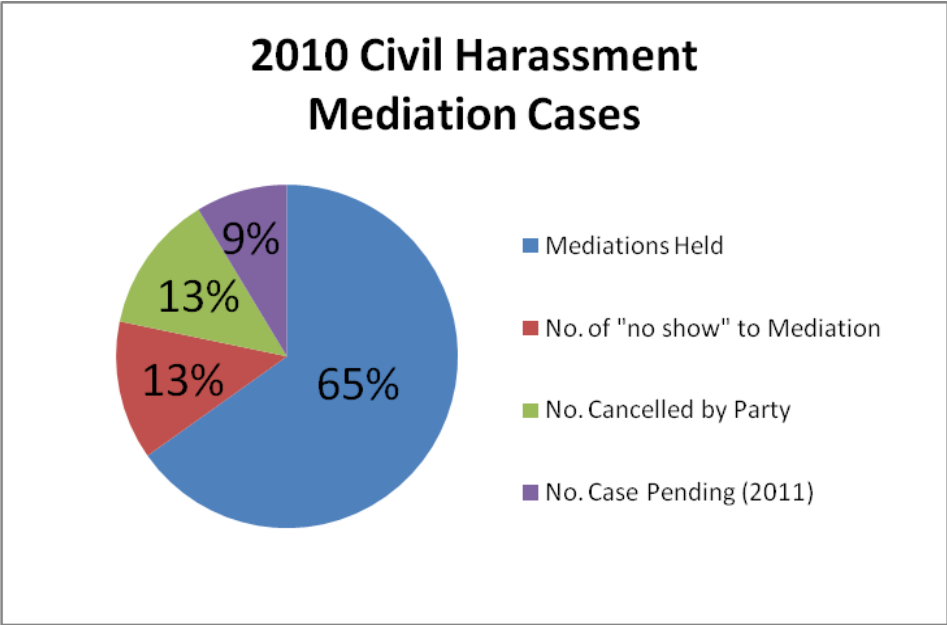
83% agreement rate in mediation or 25 out 30 cases mediated resulted in a settlement.



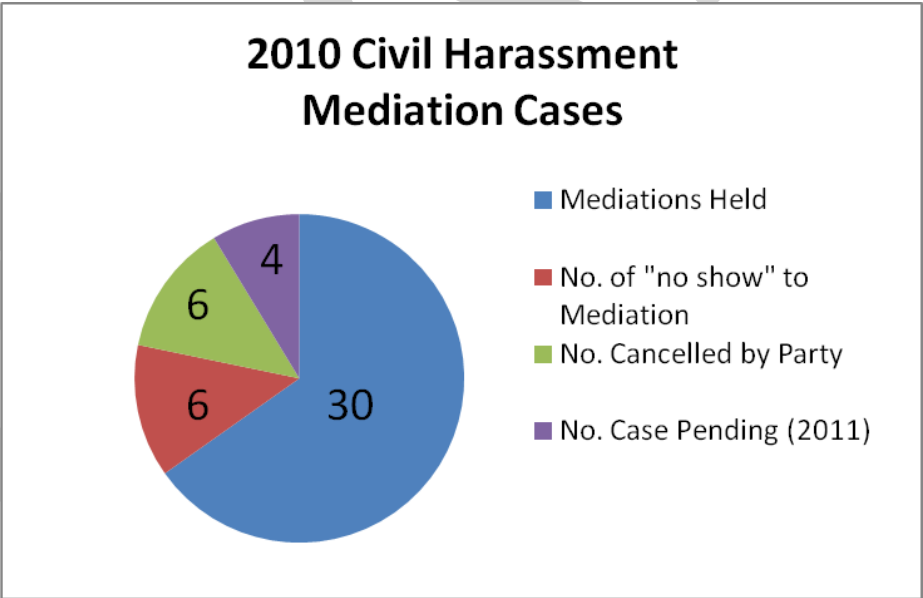
65% of the CH court cases referred to mediation resulted in a mediation being conducted.



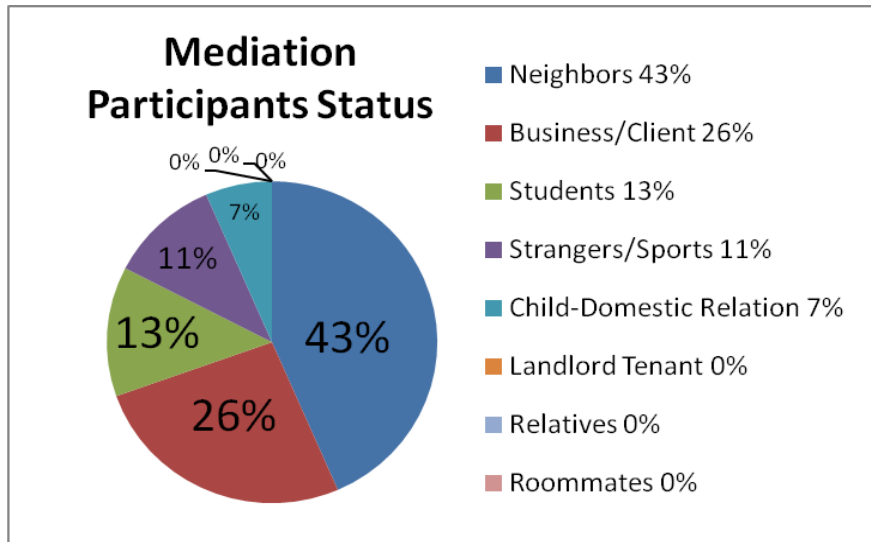
Out of the 46 CH court cases referred to mediation 30 were conducted 16 were not held.



Of the 35% of the mediations not held 13% cancelled, 13% did not appear, and 9% are pending.



Of the 16 mediation cases not conducted: 6 cancelled, 6 did not appear, and 4 are pending.



Mediation Participants Status

<i>Neighbors</i>	43%	20
<i>Business/Client</i>	26%	12
<i>Students</i>	13%	6
<i>Strangers/Sports</i>	11%	5
<i>Child-Domestic Relation</i>	7%	3
<i>Landlord Tenant</i>	0%	0
<i>Relatives</i>	0%	0
<i>Roommates</i>	0%	0
Total	100%	46