

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

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**Report**

TO: Members of the Judicial Council

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DATE: April 11, 2007

SUBJECT: Confidential CLETS Information (adopt form DV-260/CH-102/EA-102; revoke forms DV-260 and EA-102) (Action Required)

Issue Statement

The Judicial Council previously adopted two confidential information forms for use by persons requesting orders in proceedings to prevent domestic violence and elder and dependent adult abuse. These forms enable the persons requesting orders in these proceedings to provide information about themselves and the persons to be restrained to the court and law enforcement. However, there is currently no comparable confidential information form for use in civil harassment proceedings. A single, multi-purpose confidential information form for use in all these types of proceedings would be useful.

Recommendation

Staff of the Administrative Office of the Courts<sup>1</sup> recommends that the Judicial Council, effective July 1, 2007:

1. Adopt *Confidential CLETS Information* (form DV-260/CH-102/EA-102) to provide confidential information to courts and law enforcement in proceedings to prevent domestic violence, civil harassment, and elder and dependent adult abuse; and

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<sup>1</sup> This proposal was considered by certain members of the Protective Orders Working Group, who agree with the recommendation. The working group is composed of members from four advisory committees (Civil and Small Claims, Criminal, Family and Juvenile Law, and Probate and Mental Health) and the Domestic Violence Practice and Procedure Task Force. Working group members for the most relevant advisory committees (Civil and Small Claims and Family and Juvenile Law) considered the proposal. Staff presents this proposal pursuant to rule 10.22(a) of the California Rules of Court.

2. Revoke *Confidential CLETS Information* (form DV-260) and *Confidential CLETS Information* (form EA-102), which were previously adopted to provide information specifically in proceedings to prevent domestic violence and elder and dependent adult abuse, respectively.

New form DV-290/CH-102/EA-102 and revoked forms DV-260 and EA-102 are attached at pages 4–6.

#### Rationale for Recommendation

Last year, the Civil and Small Claims Advisory Committee developed a proposed new *Confidential CLETS Information* (form CH-102), which was designed to enable persons seeking protective orders in civil harassment prevention proceedings to provide confidential information about themselves and the persons to be restrained. The form was intended to ensure that courts and law enforcement agencies have important information about the parties and that this information would be kept confidential and used only for appropriate purposes by courts and law enforcement agencies. Form CH-102 was based on existing confidential form DV-260, used for petitioners in domestic violence prevention cases, and confidential form EA-102, used for petitions in cases to prevent elder and dependent adult abuse.

Proposed form CH-102 was circulated for public comment in the winter of 2007. After the form was circulated, the Civil and Small Claims Advisory Committee referred it to the Protective Orders Working Group. Based on the comments discussed below, the group recommends that, instead of adopting form CH-102 for civil harassment cases only, a new single form consolidating forms DV-260, EA-102, and CH-102, be adopted for use in proceedings to prevent domestic violence, civil harassment, and elder or dependent adult abuse.

#### Alternative Actions Considered

The main alternative to adopting the proposed consolidated form would be for the Judicial Council to adopt separate confidential information forms for use in each different type of proceeding. But the benefits for the courts, law enforcement, and the public of having a single consolidated form appear to outweigh the advantages of having separate forms.

#### Comments From Interested Parties

Proposed new form CH-102 was circulated for public comment in the winter of 2007. A total of 14 comments were received. The commentators included court administrators, attorneys, a judge, a representative of the Department of Justice, and the State Bar’s Standing Committee on the Delivery of Legal Services.<sup>2</sup>

The commentators were generally supportive of the proposal. Several, however, suggested that new form CH-102 be combined with forms EA-102 and DV-260. For

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<sup>2</sup> A chart summarizing the comments and the working group’s responses is attached at pages 7–11.

instance, a court administrator said, “You should consider developing one CLETS form for all case types.” A representative of the Department of Justice stated, “The use of only one form could save time, space, and the cost of maintaining several forms for the same purpose.” The suggestions to consolidate the three confidential forms were persuasive.

To consolidate the forms, the item for listing other protected people, which appears on form DV-260 and proposed form CH-102, will need to be modified. The reason is that the current elder abuse prevention law does not provide for injunctive relief to protect any other persons besides the abused elder. (See Welf. & Inst. Code, § 15657.03.) So on the new combined form recommended in this report, the item for “Other People to be Protected” is followed by the instruction “(*only in domestic violence and civil harassment cases*).”

Besides consolidating the forms, the only other specific suggestion about proposed form CH-102 was from a court administrator with the Superior Court of Orange County. To improve the use of the form, she suggested adding certain clarifying language. (See comment 3, pages 7–8.) Also, to avoid confusion about the use of the form, she recommended adding the following underlined language to the text of the form: “Complete this form and give it to the court clerk. If the court issues a restraining order, the clerk will forward this confidential information to CLETS, a statewide computer system that lets police know about your order.” Working group members agreed that the information suggested by the commentator should be included in the combined form. Also, the group concurred that the confidential information form should generally be submitted at the time of filing rather than only after the court has issued an order. So the group recommends using the words, “Person to be Protected” rather than “Protected Person,” and “Person to be Restrained” rather than “Restrained Person,” on the consolidated form.

Finally, in reviewing the proposed combined form, the Judicial Council’s Rules and Projects Committee concluded that the form should be clarified to indicate that the entire form does not need to be filled out if the person completing it lacks certain information. Thus, at the top of the form after “The Person to be Protected,” the words “Complete this form...” have been changed to “Fill out this form as much as you can....”

#### Implementation Requirements and Costs

It will require some additional implementation efforts by the courts to keep the information provided on this new combined form confidential. The availability of this information, however, should be of significant benefit to the courts and law enforcement in carrying out the laws relating to protective and restraining orders.

Attachments

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

**Important Notice:** This form **MUST NOT** become part of the public court file. It is confidential and private. If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing a restraining order.

**Person To Be Protected:** Fill out this form as much as you can, and give it to the court clerk. The clerk will provide the confidential information on this form to CLETS, a statewide computer system that lets police know about your order. In addition to providing the information on this form, you must provide a public mailing address on your request for a restraining order filed with the court. This will allow the court to contact you if needed and allow the other side to have their response to your petition served on you. If you want to keep your place of residence confidential, you can use a post office box or "care of" address on the request that you file.

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

**1 Person To Be Protected (name):** \_\_\_\_\_  
 Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 \_\_\_\_\_  
*(mailing address listed on restraining order)* *(city, state, zip)* *(telephone number [optional])*  
 Vehicle (type, model, year): \_\_\_\_\_  
 Vehicle license number and state: \_\_\_\_\_

**2 Person To Be Restrained (name):** \_\_\_\_\_  
 Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 \_\_\_\_\_  
*(residence address)* *(city, state, zip)* *(telephone number)*  
 \_\_\_\_\_  
*(work place)* *(occupation/title)* *(work hours)*  
 \_\_\_\_\_  
*(business address)* *(city, state, zip)* *(telephone number)*  
 Driver's license number and state: \_\_\_\_\_ Vehicle license number and state: \_\_\_\_\_  
 Vehicle (type, model, year): \_\_\_\_\_  
 Social Security Number: \_\_\_\_\_  
 Describe any marks, scars, or tattoos: \_\_\_\_\_  
 Other names used by the restrained person: \_\_\_\_\_  
 Describe any guns or firearms you believe the restrained person owns or has access to (*number, types, and locations*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**3 Other People To Be Protected (only in domestic violence and civil harassment cases)**

Name	Date of Birth	Sex	Race
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Confidential—Do not file in court file.**

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the court file. It is confidential and private. It can be used by the court or law enforcement to enter a restraining order in CLETS or to locate the restrained person to serve a restraining order.

To the Protected Person: Complete this form and give it to the court clerk. The clerk will send it to CLETS, a statewide computer system that lets police know about your order.

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

1 Protected Person (name):

Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth:

(mailing address listed on restraining order) (city, state, zip) (telephone number [optional])

Vehicle (type, model, year):

Vehicle license number:

2 Restrained Person (name):

Sex: M F Height: Weight: Race: Hair Color: Eye Color: Age: Date of Birth:

(residence address) (city, state, zip) (telephone number)

(workplace) (occupation/title) (work hours)

(business address) (city, state, zip) (telephone number)

Driver's license number and state: Vehicle license number and state:

Vehicle (type, model, year):

Social Security Number:

Describe any marks, scars, or tattoos:

Other names used by the restrained person:

Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):

3 Other Protected People

Name Date of Birth Sex Race

Confidential—Do not file in court file.

California Law Enforcement Telecommunications System (CLETS) Information Form

Important Notice: This form MUST NOT become part of the public court file. It is confidential and private. It can be used by the court or law enforcement to enter a restraining order in CLETS or to locate the restrained person to serve a restraining order.

To the Protected Person: Complete this form and give it to the court clerk. The clerk will send it to CLETS, a statewide computer system that lets police know about your order.

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

1 Protected Person (name):

Sex: M F Height: Weight: Race:

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

(mailing address listed on restraining order) (city, state, zip) (telephone number [optional])

Vehicle (type, model, year):

Vehicle license number:

2 Restrained Person (name):

Sex: M F Height: Weight: Race:

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

(residence address) (city, state, zip) (telephone number)

(workplace) (occupation/title) (work hours)

(business address) (city, state, zip) (telephone number)

Driver's license number and state: Vehicle license number and state:

Vehicle (type, model, year):

Social Security Number:

Describe any marks, scars, or tattoos:

Other names used by the restrained person:

Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):

Multiple horizontal lines for providing details on firearms.

Confidential—Do not file in court file.

**W07-04**  
**Confidential CLETS Information (Civil Harassment)**  
**(adopt form CH-102)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Response</b>
1.	Ms. Krystina Cifuentez Deputy Court Administrator III Superior Court of California, County of Kings Hanford	A	Y	While I understand that the information being requested is pertinent for law enforcement for purposes of entering these orders in CLETS, I believe it may be difficult for the [petitioner] to complete the form as to the personal information [about the respondent]—such as the driver’s license and social security number.	The instructions at the top of the form have been modified to include the statement: “Fill out this form as much as you can....”
2.	Hon. Ellen Conroy Commissioner Superior Court of California, County of Ventura Ventura	A	N	No additional comments.	No response required.
3.	Ms. Virginia Davidow Director, Civil Operations Superior Court of California, County of Orange Santa Ana	AM	Y	The form as presented may lead to misunderstandings in two areas.  1. Petitioners may be inclined to believe that use of this form will make their address confidential. The form should have instructions to the effect:  “This form is designed to provide law enforcement with information that will assist them in enforcing a restraining order. It will not be part of the court file. You must still provide a mailing address when you file a Request for Order to Stop harassment with the court. This allows the court to contact you if needed and allows the other side to have their response to your petition served on you. If you are concerned about keeping your place of residence confidential, you may use a post	1. Agreed that this information should be included on the form. The proposed combined form includes this information, though it is organized and stated somewhat differently.

Positions: A = Agree; AM = Agree only if modified; N = Do not agree.

**W07-04**  
**Confidential CLETS Information (Civil Harassment)**  
**(adopt form CH-102)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Response</b>
				<p>office box or “care of” address when filing a petition.”</p> <p>2. The language on the form could also create a misunderstanding about the role of the court clerk. If the TRO is denied, the orders are not going to be sent to CLETS. The following instruction should be included on the form:</p> <p>“Complete this form and give it to the court clerk. If the court issues a restraining order, the clerk will forward this confidential information to CLETS, a statewide computer system that lets police know about your order.”</p>	<p>2. Agreed. This information has been incorporated into the third sentence of the “Important Notice” and the first sentence of “To the Person to Be Protected” at the top of the form.</p>
4.	Mr. Dennis Jones Executive Officer Superior Court of California, County of Sacramento Sacramento	N	Y	We agree with this proposal.	No response required.
5.	Ms. Peggy Kelly California Department of Justice Sacramento	AM	Y	<p>The newly proposed form CH-102 should be combined into one form with the EA-102 and DV-260.</p> <p>There should be only one form for this purpose. One “<i>Confidential CLETS Information</i>” form could be used to gather additional information for any restraining order, mandated by law, to be entered into the Domestic Violence Restraining Order system (DVROS).</p>	Agreed. The recommendation to the Judicial Council is to adopt a combined form and revoke the current separate forms.

**W07-04**  
**Confidential CLETS Information (Civil Harassment)**  
**(adopt form CH-102)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Response</b>
				The use of only one form would save time, space, and the cost of maintaining several forms for the same purpose.	
6.	Ms. Mary Maguire Court Manager- Family Resources Superior Court of California, County of Santa Clara San Jose	N	N	Our court currently uses the DV260 form on DV, harassment and elder abuse cases. Why create another form that is a duplicate of DV-260 and EA-102? Why not just add to the bottom of DV-260 "DV-260/CH-102/EA-102." Then you can discontinue use of 3 separate forms and use only one.	Agreed that there should be a combined form.
7.	Ms. Debra Meyers Chief of Staff Counsel Superior Court of California, County of San Bernardino San Bernardino	A	Y	This proposal provides for the adoption of a mandatory form so that persons seeking protective orders in civil harassment cases can supply the court and law enforcement agencies with confidential information about themselves and the person to be restrained, such a height, weight, eye color, types of guns known to be used or owned by the person, etc. This is the same information listed on forms used by those seeking protective orders from elder abuse and domestic violence.	Agreed that there should be a combined form.
8.	Ms. Pam Moraida Program Manager Superior Court of California, County of Solano Fairfield	A	N	No additional comments.	No response required.
9.	Ms. Andrea Nelson Director of Operations	AM	N	We agree with the form. Perhaps you should consider developing one CLETS form to be	Agreed that there should be a combined form.

**W07-04**  
**Confidential CLETS Information (Civil Harassment)**  
**(adopt form CH-102)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Response</b>
	Superior Court of California, County of Butte Oroville			used for all case types (Elder, DV, Civ. Har., etc.) in the future instead of having the same information on several forms. We realize this was a timing issue and agree with the need to get this adopted now in a separate format, but thought we should make the suggestion for a combined form for the future.	
10.	Ms. Sharon Ngim Staff Liaison to the Standing Committee on the Delivery of Legal Services The State Bar of California San Francisco	AM	Y	The Standing Committee on the Delivery of Legal Services specifically supports the proposed changes because they will aid the courts and law enforcement in serving civil harassment protective orders and make the collected information consistent with the information collected in domestic violence and elder abuse cases.	The committee's support for the proposal is noted.
11.	Mr. Michael M. Roddy Executive Officer Superior Court of California, County of San Diego San Diego	A	Y	No additional comments.	No response required.
12.	Mr. Douglas Sears Senior Partner Matheny, Sears, Linkert & Long Sacramento	N	N	No additional comments.	No response required.
13.	Mr. Ben Stough Court Executive Officer Superior Court of California, County of Mendocino Ukiah	N	N	No additional comments.	No response required.

**W07-04**  
**Confidential CLETS Information (Civil Harassment)**  
**(adopt form CH-102)**

	<b>Commentator</b>	<b>Position</b>	<b>Comment on behalf of group?</b>	<b>Comment</b>	<b>Response</b>
14.	Mr. Ben Stough Court Executive Officer Superior Court of California, County of Mendocino Ukiah	A	N	No additional comments.	No response required.