

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
Hon. Elihu M. Berle, Chair  
Case Management Subcommittee, Hon. Arthur E. Wallace, Chair  
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DATE: October 1, 2004

SUBJECT: Civil Harassment Forms: Plain-Language Versions (revise forms  
CH-100, CH-101/DV-290, CH-110, CH-120, CH-125, CH-130, CH-131,  
CH-140, CH-145, and CH-150; and adopt forms CH-135 and CH-151)  
(Action Required)

Issue Statement

The current civil harassment forms are in the conventional Judicial Council format and may be difficult for self-represented litigants to understand. Plain-language forms previously adopted for use in Domestic Violence Prevention Act cases have been well-received. Thus, it would be beneficial for litigants if the current versions of the civil harassment forms were replaced by plain-language versions.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2005, revise the following civil harassment forms to be in a plain-language format:

1. *Request for Orders to Stop Harassment* (form CH-100);
2. *Request and Order for Free Service of Restraining Order* (form CH-101/DV-290);
3. *Answer to Request for Orders to Stop Harassment* (form CH-110);
4. *Notice of Hearing and Temporary Restraining Order (CLETS)* (form CH-120);
5. *Reissue Temporary Restraining Order* (form CH-125);

6. *Proof of Personal Service* (form CH-130);
7. *Proof of Service by Mail* (form CH-131);
8. *Restraining Order After Hearing to Stop Harassment (CLETS)* (form CH-140);
9. *Proof of Firearms Turned in or Sold* (form CH-145); and
10. *Can a Civil Harassment Restraining Order Help Me?* (form CH-150).

In addition, the committee recommends that the council, effective January 1, 2005, adopt the following new plain-language forms:

1. *What is "Proof of Service"?* (form CH-135); and
2. *How Can I Answer a Request for Orders to Stop Harassment?* (form CH-151).

The plain-language forms are attached at pages 7–34.

### Rationale for Recommendation

#### *Overview*

Standardized Judicial Council forms have been available for a number of years for people who are requesting orders to stop civil harassment or who are responding to these requests. The forms are similar to the forms that the council has adopted for use in cases involving domestic violence abuse, elder and dependent adult abuse, and workplace violence. The forms are widely used by the public and the courts.

In 2001, the Judicial Council revised the domestic violence prevention forms to be in a plain-language format. The purpose of revising the forms was to make them easier to understand and complete, thereby making the courts more accessible to people without lawyers. The domestic violence prevention forms have helped people to serve papers, prepare for hearings, and represent themselves. The new format of these forms has been widely regarded as a success.

Based on the format of the domestic violence prevention forms, the civil harassment forms should be revised to be in a plain-language format. The main features of the plain-language version of the civil harassment forms would include:

- Clearer, simpler language explaining what information the litigants should provide on the forms;
- Larger, more readable type;

- More space on each page to make the forms more readable;
- More space for people to provide information; and
- An organization and format that is more intuitive and accessible to ordinary people who are unfamiliar with legal conventions.

The revised civil harassment forms should help not only the parties who are filling them out, but also the judicial system and, if the parties are represented, their attorneys. The revisions should make it easier for people to understand the forms and to complete them with less assistance and fewer mistakes.

### *Specific Form Changes*

The entire current series of civil harassment forms would be revised to follow the plain-language format and two new plain-language forms would be adopted for use in civil harassment cases. The specific changes to the forms are described below.<sup>1</sup>

#### 1. *Request for Orders to Stop Harassment* (revised form CH-100)

This is the revised form that a person seeking a restraining order would use to initiate a civil harassment prevention case. It would replace the current form *Petition for Injunction Prohibiting Civil Harassment and Application for Temporary Restraining Order*. The revised form, like others in the civil harassment series, would change the form's title to be easier to understand and would replace the caption with one that a self-represented person can more readily grasp and fill out.

All the legal elements necessary to request relief would be contained on revised form CH-100, but the items on the form where a person seeking protection provides the required information would be presented more clearly.

#### 2. *Request and Order for Free Service of Restraining Order* (revised form CH-101/DV-290)

The form for requesting free service of restraining orders in civil harassment and domestic violence prevention cases would be revised to be in a plain-language format. This form is used by courts and law enforcement to determine whether service of particular orders by a sheriff or marshal is reimbursable by the courts. In addition to changing the form's format to be compatible with the plain-language civil harassment and domestic violence forms, this form would be revised to include clearer instructions for persons requesting free service of orders and for law enforcement agencies seeking reimbursement for service of the orders.

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<sup>1</sup> The committee received substantial assistance in developing the plain-language forms from Transcend, Inc. and its president, Maria Mindlin.

3. *Answer to Request for Orders to Stop Harassment* (revised form CH-110)

This is the form a person would use to answer a request for orders to stop harassment. It would replace current form *Response to Petition for Injunction Prohibiting Civil Harassment*. The revised form is written in a clearer and more direct manner than the current form. It should enable a respondent to answer or object to the contentions in the *Request for Orders*.

4. *Notice of Hearing and Temporary Restraining Order* (revised form CH-120)

This form provides notice of the hearing on the request for orders and the temporary orders, if any, that the court issues in a civil harassment proceeding. It would replace the *Order to Show Cause (Civil Harassment) and Temporary Restraining Order*. The revised form retains all the legal elements that are contained in an “order to show cause” and “temporary restraining order,” but presents these in a manner more comprehensible to nonlawyers.

Under the revised caption, the form contains a “Notice of Hearing” that tells respondents when the hearing on the request for orders will be heard. It tells them what they must tell the judge if they appear, and it explains the consequences if they do not appear.

The revised form also includes “Temporary Orders Against the Restrained Person” that contain all the provisions in the current form, but the format is easier to understand and fill out. The form also includes all the statutorily required warnings and notices, but these are presented in a more readable manner. Information about how a hearing-impaired person may ask for accommodations is included on this form.

5. *Reissue Temporary Restraining Order* (revised form CH-125)

This is a plain-language version of the current form to request reissuance of temporary restraining orders.

6. *Proof of Personal Service* (revised form CH-130) and *Proof of Service by Mail* (revised form CH-131)

The two current proofs of service forms (for personal service and service by mail) have been revised to follow the plain-language format. The revised forms should be easier to understand, especially by self-represented people unfamiliar with the concept of proof of service.

7. *What Is “Proof of Service”?* (new form CH-135)

The new “*What Is Proof of Service?*” form would provide information to self-represented people requesting orders to stop harassment about what proof of service means and how to carry it out.

8. *Restraining Order After Hearing to Stop Harassment* (revised form CH-140)

This is a plain-language version of current form *Order After Hearing on Petition for Injunction Prohibiting Civil Harassment*. It contains all the features of the current form, but uses many of the formatting and other changes used in the Domestic Violence Prevention order after hearing.

9. *Proof of Firearms Turned in or Sold* (revised form CH-145)

This plain-language form is based on form DV-145.<sup>2</sup> It would provide a means for persons subject to a firearms relinquishment order to provide proof that their firearms have been turned in to a law enforcement agent or sold to a licensed gun dealer. The form would be optional.

10. *Can a Civil Harassment Restraining Order Help Me?* (revised form CH-150) and *How Can I Answer a Request for Orders to Stop Harassment?* (new form CH-151)

These two forms would replace current *Instructions for Lawsuits to Prohibit Civil Harassment* (form CH-150). The new forms are simpler and clearer. They are directed separately to each party in the case, addressing the parties' specific concerns in a more focused manner.

#### Alternative Actions Considered

The civil harassment forms could be left in the current format. However, based on the positive experience with the domestic violence forms and the public comments, the advisory committee thinks it would be preferable for courts and litigants to use the plain-language format.

#### Comments From Interested Parties

The plain-language civil harassment forms were circulated for public comment in the spring of 2004. Nine comments were received on the forms. The commentators included a judge, a commissioner, court executives, and two attorneys from the Department of Justice. A chart summarizing the comments and the committee's responses is attached at pages 35–51.

The comments were generally favorable. However, several commentators provided extensive comments and detailed suggestions concerning specific forms. The committee has reviewed the comments and, based on these, has modified the forms.

For instance, the committee agreed with the general suggestion to replace the term “plaintiff” with “protected person,” “person to be protected,” or “person in ①” and to change “defendant” to “restrained person,” “person to be restrained” or “person in ②.” This change has been made throughout the forms. It is consistent with the plain-language

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<sup>2</sup> Revised form EA-145/WV-145 would be available in the standard format for proof of relinquishment of firearms in cases involving elder and dependent adult abuse or workplace violence. That form is discussed in a separate Judicial Council report.

approach used in the forms. Also, the caption boxes in all the forms have been revised to have clearer instructions for self-represented persons.

On form CH-100, the committee revised item 5 (a request for information about how the person seeking protection knows the person from whom they are seeking protection) to ask for a general description instead of providing a list. Item 7 (a request for personal conduct orders) was revised to separately request an order prohibiting harassment and a no-contact order. Item 18 (a request for lawyer's fees and costs) was modified to require the specification of the amount of the fees.

On form CH-110, the committee combined the spaces for providing the facts and reasons that support the answer. It also modified the form to require that the amount of lawyer's fees requested should be provided.

On form CH-120, the committee agreed with the commentators who suggested placing the "Notice of Hearing" on the first page, but not with the suggestion of placing it on a separate form. The committee disagreed with the suggestion that information for the protected persons should be removed from the form, but concluded that this information should be provided under a heading of "Instructions" rather than "Orders."

On form CH-131, the following instruction was added: "Complete and sign this form and give it to the person in ②."

On form CH-140, lines have been added to item 3 where the lawyers' names can be entered.

On form CH-145, in item 4, the reference was changed from "below" to "item 6" because this would be clearer. Also, the committee concluded that this form should remain optional. The form is useful to persons seeking to file proof of firearms relinquishment with the courts. However, the use of the form should not be required. Provided restrained persons timely file receipts with the court, they will comply with the applicable statute.

Various other suggestions concerning the style and formatting of the forms were incorporated into the forms, as indicated in the comment chart.

#### Implementation Requirements and Costs

Courts will incur some incidental costs in replacing the current forms with the revised versions. However, the new plain-language forms should make it much easier for self-represented litigants to understand the forms and file proper papers with the courts in civil harassment cases.

Attachments

*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*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DRAFT 6**  
**09-23-04**

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

Court fills in case number when form is filed.  
**Case Number:**  
\_\_\_\_\_

**This is not a Court Order.**



Your name: \_\_\_\_\_

Case Number: \_\_\_\_\_

- 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 Order**
- 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.

- 8  **Stay-Away Order**
- 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: \_\_\_\_\_

- 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: \_\_\_\_\_

**This is not a Court Order.**

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**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: \_\_\_\_\_  
\_\_\_\_\_

**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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is not a Court Order.**



Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**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 that person has stalked me or threatened me with sexual assault.  
*(To get free service of the court's orders without paying a fee, you must fill out and file the Request and Order for Free Service of Restraining Order (Form CH-101), and if you qualify for a fee waiver, you must also fill out and file the Application for Waiver of Court Fees and Costs (Form 982(a)(17).)*

**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: \_\_\_\_\_

\_\_\_\_\_  
*Attorney's name*

▶ \_\_\_\_\_  
*Attorney's signature*

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 not a Court Order.**

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):  
\_\_\_\_\_  
\_\_\_\_\_

2 Name of person you want protection from:

\_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number when form is filed.

**Case Number:**

**Request for Free Service**

3 If you qualify for a fee waiver, complete *Application for Waiver of Court Fees and Costs* (form 982(a)(17)) and file it with this request. (Check one):

- a.  I have completed and filed a fee waiver application.
- b.  I am not eligible for a fee waiver.

4 I am entitled to free service of the restraining orders by the sheriff or marshal because (check either item a or b):

- a.  I asked for domestic violence prevention restraining orders on Form DV-100.
- b.  I asked for civil harassment restraining orders on Form CH-100, and my request was based on my fear of (check at least one box, if applicable):
  - (1)  sexual assault.
  - (2)  stalking.

(If you are not entitled to free service under a or b, you may be eligible under a fee waiver or may pay the sheriff or marshal to serve the restraining orders.)

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

(Order is on next page)



Case Number: \_\_\_\_\_

Protected person's name: \_\_\_\_\_

### Court Order

- 5 The court has reviewed the request of the person in ① and finds that (*check one box only*):
  - a.  The person qualifies for a fee waiver under rule 985 of the California Rules of Court.
  - b.  The person does not qualify for a fee waiver, but qualifies for orders under item 4a or 4b above.
  - c.  The person does not qualify for a fee waiver or for orders under item 4a or 4b above.
- 6 The sheriff or marshal shall serve the restraining order (on Form DV-110 or DV-130 or CH-120 or CH-140 and reference documents)  without cost  with cost to the person in ①.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy  
(Clerk may grant in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 985(d).)

— or —

\_\_\_\_\_  
Judicial Officer

### Instructions for Protected Person

- Fill out page 1 of this form. This form will allow you to ask the sheriff or marshal to serve the restraining order on the restrained person. **There is no cost to you if you qualify under either item 4a or 4b on page 1.**
- Fill out the *Application for Waiver of Court Fees and Costs* (Form 982(a)(17)) if you qualify for a fee waiver based on financial need.
- Give the forms to the court clerk together with your request for a restraining order.
- Ask the clerk how to make sure the sheriff or marshal gets your papers for service.
- If you do not qualify for free service of the restraining order under this request or a fee waiver, you may pay the sheriff or marshal to serve the order on the restrained person.
- For more information about service, read *What is "Proof of Service"?* (Form CH-135 or Form DV-210).

### Instructions for Law Enforcement

- Government Code section 6103.2(b) allows the sheriff or marshal to bill the court only for orders or injunctions described in subdivision (q)(1) of Code of Civil Procedure section 527.6. The sheriff or marshal may bill the court for service **only** if item 5b above is checked.
- If the sheriff or marshal is seeking reimbursement for service, the box below must be filled out and a copy of this form returned to the court listed on page 1. **This is not a proof of service.**

Service of the order was made or attempted on (*date*): \_\_\_\_\_ Fee for service: \$ \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
(Type or Print Name of Law Enforcement Representative)

\_\_\_\_\_  
(Signature of Law Enforcement Representative)

\_\_\_\_\_  
(Title and Agency)

(This is Not a Proof of Service.)

Clerk stamps date here when form is filed.

**DRAFT 5  
09-17-04**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

- 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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.



Your name: \_\_\_\_\_

**12**  **No Fee for Filing**

I ask the court to waive the filing fee because the person in ① claims that I have used or threatened to use violence against them or have acted in some other way that would make them reasonably fear violence.

**13**  **Lawyer's Fees and Costs**

I ask the court to order payment of my:

a.  Lawyer's fees

b.  Out-of-pocket expenses

because the temporary restraining order was issued without enough supporting facts.

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

**14**  **Other Relief**

I ask for additional relief as may be proper.

**15** Number of pages attached to this form, if any: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Attorney's name*

▶ \_\_\_\_\_  
*Attorney's signature*

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*

Clerk stamps date here when form is filed.

**DRAFT 6  
9-23-04**

**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): \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

**2** Name of person to be restrained:

Description of that person:

Court fills in case number when form is filed.

**Case Number:**

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.

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 48 hours of receiving this order. But if you were at a hearing on this order, it must be done within 24 hours of the hearing.
- Bring a receipt to the court within 72 hours of receiving this order, to prove that guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨  **Other Orders (specify):** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

⑩  **Other Protected Persons**

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**This is a Court Order.**



Your name: \_\_\_\_\_

**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.

**15**  **No Fee for Service of Order by Law Enforcement**  
The sheriff or marshal will serve this Order without charge because the order is based on a credible threat of violence resulting from a threat of sexual assault or on stalking.

Date: \_\_\_\_\_

▶ \_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



Your name: \_\_\_\_\_

**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 ask you for proof 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 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 Orders* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT 5**  
**9/17/04**

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: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above: \_\_\_\_\_

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.

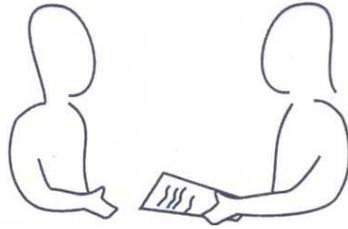
1 Name of person asking for protection:  
\_\_\_\_\_

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.

**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

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

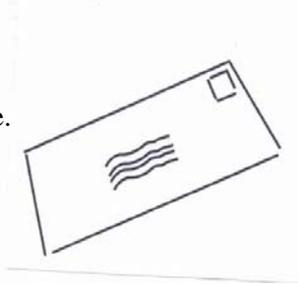
**Case Number:**

**DRAFT 4  
9-17-04**

*Clerk stamps date here when form is filed.***DRAFT 5  
9-17-04****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*

Clerk stamps date here when form is filed.

**DRAFT 5  
9-24-04****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.

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 48 hours of receiving this order. But if you were at a hearing on this order, it must be done within 24 hours of the hearing.
- Bring a receipt to the court within 72 hours of receiving this order, to prove that 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 the Order is based on stalking or a credible threat of violence resulting from a threat of sexual assault or stalking.

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 ask you for proof 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.*

**DRAFT 6  
9-24-04**

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](http://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.)





## 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.

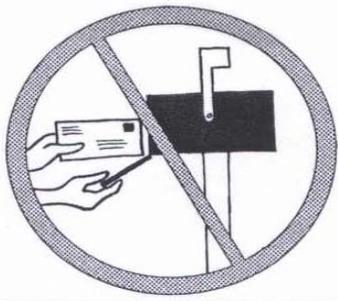
The server must:

- 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.

Diagram illustrating the hearing date section of Form CH-120. A circled number 3 points to the text "To the person in (2): Notice of Hearing". Below this, it says "A court hearing is scheduled on the request for orders". A box labeled "Hearing Date" has an arrow pointing to a "Date:" field and a "Dept.:" field.

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

Diagram illustrating the time for service section of Form CH-120. A circled number 13 points to the text "Time for Service (check a, b, or c)". Below this are three options, each with a checkbox:

- 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.

**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): \_\_\_\_\_

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

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 ①:**

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: \_\_\_\_\_ 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**

Judicial Council of California, www.courtinfo.ca.gov  
 Revised January 1, 2005. Replaces Form CH-120, 12/01.  
 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*)

