



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 29, 2010

Title

Protective Orders: Prevention of Private Postsecondary School and Workplace Violence

Rules, Forms, Standards, or Statutes Affected
Adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120-INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132

Recommended by

Civil and Small Claims Advisory Committee
Hon. Dennis M. Perluss, Chair

Agenda Item Type

Action Required

Effective Date

January 1, 2011

Date of Report

September 17, 2010

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Executive Summary

The Civil and Small Claims Advisory Committee recommends the adoption and approval of a new set of protective order forms for use in preventing private postsecondary school violence under Code of Civil Procedure section 527.85. These forms are mandated by recent legislation. The committee also recommends revising the protective order forms used for preventing workplace violence under Code of Civil Procedure section 527.8 to be in an easily readable, plain-language format.

Recommendation

The Civil and Small Claims Advisory Committee¹ recommends that the Judicial Council, effective January 1, 2011:

1. Adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109;
2. Approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO;
3. Revise form WV-100;
4. Revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and
5. Revoke form WV-132.

The new, revised, revised and renumbered, and revoked forms are attached at pages 10–76.

Previous Judicial Council Action

The Judicial Council has previously revised many of the protective order forms to be in a plain language format. Currently, the forms in plain language include those used for the prevention of domestic violence, civil harassment, and elder and dependent adult abuse. The workplace violence prevention forms are still in the traditional format.

Rationale for Recommendation

Proposal overview

First, this proposal would create a new set of protective order forms to be used in proceedings to prevent violence in private postsecondary schools under Code of Civil Procedure section 527.85. The forms are required by Senate Bill 188 (Runner; Stats. 2009, ch. 566), which provides: “The Judicial Council shall develop forms, instructions, and rules for scheduling of hearings and other procedures established pursuant to this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.” (Code Civ. Proc., § 527.85(l).)

Second, the proposal would revise the protective order forms used to prevent workplace violence under Code of Civil Procedure section 527.8. Those forms were developed before most of the

¹ In developing the new and revised protective order forms presented in this proposal, the committee was assisted by the Protective Orders Working Group, which includes representative members from the Civil and Small Claims, Criminal, Family and Juvenile Law, and Probate and Mental Health Advisory Committees and is cochaired by Judges Patricia M. Lucas and Jerilyn L. Borack.

protective order forms were revised to be in plain language. There are persuasive reasons for considering the new school violence and the revised workplace violence prevention forms together. The new school violence protective order statute was closely modeled after the workplace violence statute, and many of the provisions in the two statutes are identical. Accordingly, the proposed forms have many features in common. The items on the forms used in one type of proceeding often are applicable to the forms used in the other. To the extent possible, it makes sense for the two sets of forms to be similar.

Both sets of forms would be in plain language and consistent with the latest style and formatting used in protective order forms. However, unlike some of the other plain language forms, the language used in these forms has been modified—for example, by sometimes referring to “petitioner” and “respondent” in the third person—to reflect that the petitions in these types of proceedings will be brought by employers and school administrators rather than directly by self-represented individuals. Also, in these types of cases, the petitioners will often be represented by attorneys.

The captions in these forms reflect that these proceedings are brought by employers or school administrators. In a departure from the previous formatting of captions, attorneys are asked in the captions to provide their e-mail addresses and fax numbers without these being described parenthetically as “optional.” This change is similar to the change previously made to the rules on captions for papers filed with the court (see Cal. Rules of Court, rule 2.111(1)); however, in the proposed protective order forms, the parenthetical phrase “if available” is not used before the space for an e-mail address. As e-mail has become a very common means of communication, attorneys should be asked to provide their e-mail addresses on pleadings without this being described as optional or conditional.

Another general feature of these protective order forms is that, in the short title contained in headers after the first page of each form, the place for identifying the parties has been omitted. It is thought that providing the case number in the header should be sufficient. For those not using electronic document assembly programs to generate Judicial Council forms, it is unnecessarily burdensome for parties and the courts to be required to complete the party information at the top of every page of every form.

The features of the specific workplace and school violence prevention forms in this proposal are described below.

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

As required by SB 188, this proposal would create new mandatory forms for petitions and responses to be used in school violence prevention proceedings. It would also revise the workplace violence petitions and responses to be similar in format and style. Information forms would be adopted or revised to assist petitioners and respondents in these proceedings.

Confidential CLETS Information forms (forms SV-102 and WV-102)

This proposal would create two new *Confidential CLETS Information* forms to be submitted with the petitions for orders to prevent private postsecondary school and workplace violence. The information provided by the petitioners on the forms would be entered into the California Law Enforcement Telecommunications System (CLETS) if the court grants a temporary restraining order or order after hearing. The confidential forms would provide important personal information about the persons to be protected and the persons to be restrained for the use of law enforcement personnel enforcing orders issued these cases.

The new *Confidential CLETS Information* forms for school violence prevention and workplace violence prevention proceedings are slightly different from the from the current *Confidential CLETS Information* form (DV-260/CH-102/EA-102) that has been used in other types of proceedings. The format of the new *CLETS Information* forms is easier to read, the forms refer to the California Restraining and Protective Order System (as requested by the Department of Justice), they have a space to indicate if the form is a new or amended CLETS form (implementing new Cal. Rules of Court, rule 1.51)², they highlight the firearms information item, they have a place to indicate the relation of other protected persons to the petitioner, and they have a check box where the petitioner can indicate if a list of other protected persons is attached to the form.³

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

Similar to the recently revised protective order forms used to prevent domestic violence, the school violence and workplace violence protective order forms would include separate forms for the *Notice of Court Hearing* and the *Temporary Restraining Order*.

The *Notice of Court Hearing* forms would have a place for the judicial officer to indicate if the requests for orders were (1) all granted, (2) all denied until the court hearing, or (3) partly granted and partly denied. The forms would have a place for the court to explain its reasons for denying some or all of the orders requested. If all of the requests are denied, then no temporary restraining order would be issued or served on the respondent; only the *Notice of Court Hearing* would be served. This feature of the forms is an improvement over the previous combined hearing and order forms used in protective order proceedings, which were structured so that, even if all of a request for orders was denied, the order—generally with much crossed-out or overwritten text—was always served together with the notice of hearing.

Separating the hearing and order forms is intended to reduce the confusion for law enforcement personnel and respondents that has sometimes been created by the serving of combined hearing and order forms. The separate *Temporary Restraining Order* forms are designed to be issued and

² A new rule 1.51 on the *Confidential CLETS information* forms is being proposed in a separate Judicial Council report that is being submitted at the same time as this forms proposal.

³ The separate report on new rule 1.51 recommends revising the current *CLETS Information* form to apply to juvenile law protective order proceedings and to use the format proposed in this report for new forms SV-102 and WV-102.

served only if the court grants at least some part of the request for orders. These forms state prominently on the first page that the order expires on the date of the hearing. Each specific type of orders within the temporary order (for example, personal conduct orders and stay-away orders) has a place where the court can indicate whether the orders are (1) granted, (2) not granted, (3) or not requested. This is designed to avoid the need, as exists on a number of the current protective order forms, for the court to cross-out or write over the text of particular orders. It should also make the orders clearer and easier to understand for the parties and law enforcement personnel.

Unlike the current temporary restraining orders for domestic violence cases, these temporary restraining orders do not indicate that the petitioner should fill out only the caption and that the court will fill out the rest. Because these petitions will be brought by employers and school administrators, who may often be represented by attorneys, the forms have been designed to allow parties or their attorneys to prepare and submit proposed orders in these cases.

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

The orders after hearing prominently indicate on the first page the expiration date of the order. They include a statement that, if there is no expiration date, the order expires three years from the date of issuance. These orders provide a place for the court to indicate who was present at the hearing. They also include an item where the court indicates whether (1) both the respondent and the other employee or student were present at the hearing or (2) the respondent did not attend the hearing and specified means of service of the order are required. Like the temporary restraining orders, the orders after hearing have places where the court ruling on each set of requests for orders can indicate whether that set of orders was (1) granted, (2) not granted, (3) or not requested.

Proofs of service (forms SV-200, SV-200-INFO, SV-250, WV-132, WV-200, WV-200-INFO, WV-250)

This proposal recommends the approval of optional, plain-language proof of service forms and accompanying instructions, relating specifically to service of the school violence and workplace violence prevention forms. The proofs of service are designed to show personal service of petitions and related documents and to show service by mail of responses.⁴ Two additional forms for proofs of service of orders will be recommended next year.⁵

⁴ The existing set of workplace violence prevention forms in the traditional form includes a form for personal service of responses (see form WV-132). However, service of responses may be by mail; personal service is not required. Therefore, this proposal recommends that form WV-132 be revoked.

⁵ Two of the proof of service forms that were circulated (forms SV-220 and WV-220) were designed to be used with orders after hearing; they were meant to implement a provision in Assembly Bill 1596 that would allow service by mail of orders in certain circumstances. But because Assembly Bill 1596 has a delayed effective date of January 1, 2012, these two forms have been withdrawn at this time and will be resubmitted next year to become effective at the same time as the legislation.

Proof of firearms turned in or sold (forms SV-800 and WV-800)

This proposal recommends that new forms be approved for use by persons who are subject to school or workplace violence restraining orders to show that they have turned in or sold their firearms. These forms would help implement the mandatory firearms relinquishment provisions in the statutes.

Comments, Alternatives Considered, and Policy Implications

Comments and alternatives considered

This proposal was circulated for public comment during the spring 2010 comment period. Seven comments were received on the proposal.⁶ The commentators included a superior court, a commissioner, the Department of Justice, three court staff members, and a local bar association. One commentator agreed with the proposal, three agreed with it if modified, and three did not indicate a position. A number of the commentators made specific suggestions for modifications to the forms.

The commissioner suggested replacing the items on the petitions that request a person's "age" with "date of birth." (Comment 1.) The committee disagreed with this suggestion. A date of birth is sensitive personal information subject to potential misuse; it should not be included on publicly filed forms if that is not necessary. Dates of birth are included on the *Confidential CLETS Information* form (forms SV-102 and WV-102), where that information is available for law enforcement personnel, if they need it; this information does not need to be on the petitions.

The commissioner also suggested that, in the signature line area of the petition forms, the attorney signature line should be made optional—perhaps by placing a check box indicating whether an attorney is filing the petition or by adding some language making it clear that an attorney is not required. (Comment 1.) The committee agreed that it could be made clearer on the signature lines on the forms that an attorney is not required. It has modified the signature lines for attorneys, to add after "Lawyer's Name," the words "(if any)."

The Department of Justice made a number of specific suggestions for revising the forms. (See comment 2.) These suggestions included adding references on the forms to the California Restraining and Protective Order System (CARPOS), making it clearer on the order forms that entry of information about the orders into CARPOS is mandatory, eliminating some unnecessary boxes, and providing proper new California Law Enforcement Telecommunications System (CLETS) designators in the footers of the orders used in school and workplace violence prevention proceedings. The committee has modified the forms to include these changes recommended by the Department of Justice.

A court clerk stated that she supported the use of plain language forms. But she had an extensive critique of the design of the new domestic violence prevention forms that were introduced in

⁶ A chart summarizing the comments and the committee's responses is attached at pages 77–81.

January 1, 2010. She also supported combining the notice of hearing and temporary restraining order forms, as they had been before. The commentator was concerned that the features of the revised domestic violence prevention forms would be extended to other forms, thereby causing significant processing problems. (Comment 3.)

The committee considered the issues raised by the commentator and concluded that the forms should not be modified as suggested. The commentator is correct that the new and revised school and workplace violence prevention forms contain many of the same features as the revised domestic violence forms, including their design and the separation of the notice of hearing from the temporary restraining orders. This decision was deliberate, based on the history of, and committee members' experiences with, the domestic violence prevention forms. When those forms were circulated for public comment in 2009, there were extensive discussions of the issues raised by the changes to the forms. Despite some objections, the Family and Juvenile Law Advisory Committee recommended proceeding with the proposed changes, and the Judicial Council followed those recommendations.

The 2009 Judicial Council report on those forms explained the rationale for the changes and addressed the comments: "In developing this proposal, the committee considered the problems inherent in the current procedure whereby a litigant presents a proposed temporary restraining order to the court and the court crosses off any temporary orders not granted. This procedure results in confusion for law enforcement personnel and the parties because the cross-outs are sometimes unclear. Therefore, the notice of hearing is separated from the temporary restraining order. The committee believes that this approach will clarify for law enforcement personnel and the parties the existence or absence of temporary orders pending a hearing."⁷

The 2009 report also addressed the comments of those who opposed the inclusion of boxes on the order forms to indicate whether a particular order was granted, not granted, or not requested. One commentator stated that the check boxes could be overlooked by the court, and another stated that the check boxes were confusing. Notwithstanding these comments, the Family and Juvenile Law Advisory Committee concluded that the check boxes would clarify the court's orders for law enforcement personnel and the parties and so should be retained.⁸

Based on the experience with the revised domestic violence forms, the Civil and Small Claims Advisory Committee supports the continued adoption and use of protective order forms with separate notices of hearing and orders. Though the revised forms may require judicial officers to be more active in completing the orders, the orders are clearer for litigants and law enforcement personnel. Thus, the committee recommends using the new design and organization of the forms for the school and workplace violence prevention forms, as proposed.

⁷ See Judicial Council report at www.courtinfo.ca.gov/jc/documents/reports/102309item42.pdf (page 3).

⁸ *Id.*, at page 7.

A superior court commented on the *Restraining Order After Hearing to Stop Private Postsecondary School Violence* (form SV-130). It observed that the form requires the clerk to enter information (e.g., the hearing date and who was present) that is redundant with information on the minute order, adding more work for the judicial assistant, and that it is the petitioner's obligation to provide proof of service to the court, so it is unclear why the form requires this information. The commentator thought that because a minute order is produced, it is unnecessary to include this information on the forms. (Comment 4.) The committee did not agree with this conclusion. The information on the form about the hearing date and who was present is very useful to the parties and others who may not have access to the court's minute order. The information is needed to give effect to Family Law Code section 6380(c), requiring information about the respondent's presence at the hearing to be entered into CLETS. Also, if Assembly Bill 1596 is enacted and becomes effective in 2012, this information will be needed to inform the parties and law enforcement personnel if a respondent received actual notice of the terms of the order through a personal appearance in court, so no additional proof of service would be necessary for enforcement of the order. Also, the information on the form will indicate if a respondent who was personally served did not appear at the hearing, which would permit service of the order after hearing on the respondent by first class mail, provided that the terms of the order issued are the same as the temporary restraining order. (See Assem. Bill 1596, sec. 4; Code Civ. Proc., § 527.85(p)(1)–(2).)

Finally, of the Superior Court of San Diego County submitted extensive suggestions for changes to the proposed forms, including detailed comments and annotations on each of the forms. (Comment 6.) The committee carefully reviewed the court's suggestions and has made many of the changes that were proposed. Although most of the suggestions were technical and nonsubstantive, altogether their inclusion greatly improved the quality and accuracy of the forms. The court's suggestions for the reorganization of the information forms were particularly helpful. Those forms are far clearer and easier for self-represented litigants to understand than the original versions that were circulated. The committee recognizes the significant contributions of the court to improving the forms and thanks it for its effort.

Policy implications

This proposal will implement the statutes on protective orders, particularly SB 188. It will continue the policy of making plain language Judicial Council forms available for the benefit of the public.

Implementation Requirements, Costs, and Operational Impacts

Courts will need to make the new school violence prevention forms and the revised workplace violence prevention forms available to the public. However, there should not be a significant demand for these forms because they will be prepared by employers and school administrators and their attorneys. Courts will also need to update their case management systems to include the new and revised order forms.

Relevant Strategic Plan Goals and Operational Plan Objectives

This proposal furthers the Judicial Council goal of access to the courts and court proceedings (Goal 1). It promotes delivering the highest quality of justice and service to the public (Goal IV). It also fosters the goal of modernization of the management and administration (see Goal III, Objective 5, Desired Outcome a (statewide rules of court, new or improved forms, best practice recommendations, and legislation to implement and improve practices and procedures in all court venues).

Attachments

1. Forms, at pages 10-76:

For adoption: SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109

For approval: SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO

For revision: form WV-100

For revision and renumbering: WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800

For revocation: WV-132

2. Chart of comments, at pages 77–81

Clerk stamps date here when form is filed.

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

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

is the chief administrative officer
 an officer or employee designated by the chief administrative officer to maintain order on the campus or facility

of (name of private postsecondary educational institution): _____

and is filing this petition on behalf of the student in **2**.

Address (skip this if you have a lawyer): _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address (optional): _____

Lawyer for Petitioner (if any): _____

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**2 Student in Need of Protection (Protected Person)**

Full Name: _____

Sex: M F Age: _____**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: _____ Age: _____

Home Address (if known): _____

City _____ State: _____ Zip: _____

Work Address (if known): _____

City _____ State: _____ Zip: _____

This is not a Court Order.

Case Number:

4 Additional Protected Persons

a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection?

Yes No If yes, list those persons below:

Table with columns: Full Name, Sex, Age, Household Member?, Relationship to Student. Includes checkboxes for Yes/No for Household Member.

Additional protected persons are listed in Attachment 4a.

b. Why do these people need protection? (Explain): Response is stated in Attachment 4b.

5 Relationship of Student and Respondent

a. How does the student know the respondent? (Describe): Response is stated in Attachment 5a.

b. Respondent is is not a current student of petitioner (explain any decision to retain, expel, or otherwise discipline the respondent): Response is stated in Attachment 5b.

6 Venue

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

- a. The respondent lives in this county.
b. The respondent has caused physical or emotional injury to the student in this county.
c. Other (specify):

7 Other Court Cases

a. Has the student or any of the persons named in 4 been involved in another court case with the respondent?

Yes No If yes, check each kind of case and indicate where and when each was filed:

Table with columns: Kind of Case, County Where Filed, Year Filed, Case Number (if known). Lists cases like Civil Harassment, Domestic Violence, Divorce, etc.

This is not a Court Order.



Case Number: _____

	<u>County Where Filed</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Criminal	_____	_____	_____
(10) <input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any restraining orders or criminal protective orders in effect relating to the student or any of the persons in ④ and the respondent? Yes No *If yes, attach a copy if you have one.*

8 Description of Respondent's Conduct

a. Respondent has (check one or more):

- (1) assaulted, battered, or stalked the student.
- (2) made a credible threat of violence against the student by making knowing or willful statements, or engaging in a course of conduct, that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts were made off the school campus or facility and can reasonably be understood (check either or both):

- (1) to have been carried out at the school campus or facility.
- (2) to be carried out in the future at the school campus or facility.

Address of campus or facility: _____

c. Describe what happened. (Provide details. Include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses.):

Response is stated in Attachment 8c.

d. Was the student harmed or injured? Yes No *If yes, describe harm or injuries:*

Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? Yes No *If yes, describe:*

Response is stated in Attachment 8e.

This is not a Court Order.



f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the student or the respondent receive an Emergency Protective Order?

Yes No I don't know

If yes: The order protects (check all that apply):

(1) The student (2) The respondent (3) One or more of the persons in (4)

Attach a copy of the order if you have one.

Check the orders you want.

9 Personal Conduct Orders

I ask the court to order the respondent **not** to:

- a. assault, batter, or stalk the student and other protected persons.
- b. make threats of violence to the student and other protected persons.
- c. follow or stalk the student and other protected persons during school hours or to or from the school campus or facility.
- d. contact the student and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- e. enter the school campus or facility of the student and other protected persons.
- f. take any action to obtain the address or location of the student and other protected persons.
- g. other *specify*): _____

10 Stay-Away Orders

a. I ask the court to order the respondent to stay at least _____ yards away from the student and each other protected person listed in (4) and (check all that apply):

- (1) the student's and other protected persons' homes
- (2) the student's and other protected persons' jobs or workplaces
- (3) the student's and other protected persons' vehicles
- (4) the student's and other protected persons' schools
- (5) other (*specify*): _____

b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No *If no, explain:*

Response is stated in Attachment 10b.

This is not a Court Order.



11 Firearms Prohibition and Relinquishment

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun or other firearm while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

Does the respondent own or possess any guns or other firearms? Yes No I don't know

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No

If you answered yes, explain why:

Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Response is stated in Attachment 13.

14 No Fee for Filing

I ask the court to waive the filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.

15 No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking.

This is not a Court Order.

Case Number:

16 **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

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

Date: _____

Lawyer's name (if any)

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: _____

Name and title of person signing for petitioner

Signature

I consent to the filing of this petition.

Date: _____

Name of student

Signature

This is not a Court Order.

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

What is a Private Postsecondary School Violence Protection Order?

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

The court can order a person not to:

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

These orders will be enforced by law enforcement agencies.

Who can get this School Violence Protection Order?

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

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

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see Form CH-150, *Can a Civil Harassment Restraining Order Help Me?*.

Who can be protected under this law?

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

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

A school official may seek protection under this law if:

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

What forms must be used to get the order?

The following forms are needed to start the process:

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



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

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

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

Where can I get these forms?

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

Do I need a lawyer?

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

What steps are needed to get the court orders?

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

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

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

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made.
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them.
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.

5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form SV-109).
6. If you are seeking a **TRO** (Form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later, or if the *Notice of Court Hearing* and **TRO** will be mailed to you. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.

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

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

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



California Law Enforcement Telecommunications System (CLETS) Information Form

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

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

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

1 Student 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)

(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:

3 Guns or Firearms

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

4 Other People to Be Protected

Table with columns: Name, Date of Birth, Sex, Race

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 Petitioner (Educational Institution Officer or Employee)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

The court will fill out the rest of this form.

To the Respondent

4 Notice of Hearing

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

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

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

5 Temporary Restraining Orders (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Reasons for denial are specified in item 5b on the next page.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Reasons for denial are specified in item 5b on the next page.)

This is a Court Order.



- b. Reasons that Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*, for personal conduct or stay away are denied are:
 - (1) The facts as stated in Form SV-100 do not show a credible threat of violence in sufficient detail.
 - (2) Other (*specify*): As stated on Attachment 4b.

6 Service of Documents and Time for Service

To the Petitioner

At least _____ days before the hearing, someone age 18 or older—**not you or anyone to be protected**—must personally give (serve) a court’s file-stamped copy of this form to the respondent along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Orders to Stop Private Postsecondary School Violence* (file-stamped)
- b. SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence* (blank form)
- d. SV-250, *Proof of Service of Response by Mail* (blank form)
- e. SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*
- f. Other (*specify*): _____

- The court cannot grant restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your petition and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form SV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form SV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents.

To the Respondent

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

Date: _____ _____
Judicial Officer

This is a Court Order.

Case Number: _____

(Clerk will fill out this part.)

—Clerk’s Certificate—

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

Clerk’s Certificate

[seal]



Request for Accommodations

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

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 Petitioner (Educational Institution Officer or Employee)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the temporary orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Student</u>
_____	_____	_____	<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	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the date and time of the hearing below:

(Date): _____ (Time): _____ a.m. p.m.

This is a Court Order.



To the Respondent

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

6 Personal Conduct Orders **Granted** **Not Granted** **Not Requested**

a. You are ordered not to:

- (1) assault, batter, or stalk the student and other protected persons.
- (2) make threats of violence against the student and other protected persons.
- (3) follow or stalk the student and other protected persons during school hours or to or from the school campus or facility.
- (4) contact the student and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5) enter the school campus or facilities of the student and of the other protected persons.
- (6) take any action to obtain the student and other protected persons' address or location.
- (7) other (*specify*): _____

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Order **Granted** **Not Granted** **Not Requested**

a. You **must** stay at least (*specify*): _____ yards away from the student and each other protected person listed in **4** and (*check all that apply*):

- (1) the student's and other protected persons' homes
- (2) the student's and other protected persons' jobs or workplaces
- (3) the student's and other protected persons' vehicles
- (4) the student's and other protected persons' schools
- (5) other (*specify*): _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 Firearms Prohibition and Relinquishment

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possesses a firearm.

This is a Court Order.



9 Other Orders (specify): Granted Not Granted Not Requested

Additional orders are attached at the end of this Order on Attachment 9.

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS.

Name of Law Enforcement Agency

Address (City, State, Zip)

11 No Fee to Serve Respondent Ordered Not Ordered

If the sheriff or marshal serves this Order, he or she will do so for free.

12 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 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.

This is a Court Order.



After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you inflicted or threatened violence against or stalked the employee.
- You must have Form SV-120 served on the petitioner or the petitioner’s attorney. Serve it by mail within the time given in item ⑥ of Form SV-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the service should complete and sign Form SV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk’s office at the court shown on page 1 of this form or at www.courtinfo.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make restraining orders against you that last for up to three years.

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.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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:

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

- Read Form SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have the petitioner or the petitioner’s lawyer served by mail with a copy of this form and any attached pages. (*See Form SV-250, Proof of Service of Response by Mail.*)

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Address (*you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer*):

City: _____ State: _____ Zip: _____

Telephone (*optional*): _____

Fax (*optional*): _____

Your Lawyer (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone : _____ Fax: _____

E-mail: _____

4 Personal Conduct 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*): _____

5 Stay-Away 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*): _____

The court will consider your response at the hearing. Write your hearing date, time, and place from Form SV-109, item **4** here:

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

If you were served with a Temporary Restraining Order, you must obey it until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to three



6 Firearms Prohibition and Relinquishment

If you were served with Form SV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form SV-110. (See item 8 of Form SV-110.) You may use Form SV-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a. I do not own or control any guns or other firearms.
- b. I have turned in my guns and firearms to the police or to a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

7 Other Orders

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

8 Denial

I did not do anything described in item 8 of Form SV-100. (*Skip to 10.*)

9 Justification or Excuse

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "SV-120, item 9—Justification or Excuse" as a title.

10 **No Fee for Filing**

I ask the court to waive the filing fee because the petitioner claims in Form SV-100 item **14** to be entitled to free filing.

11 **Costs**

- a. I ask the court to order the petitioner to pay my court costs.
- b. I ask the court to deny the request that I pay the petitioner's court costs.

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

Date: _____

Lawyer's name (if any)

Lawyer'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

What is a school violence protective order?

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

What does the order do?

The court can order you to:

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

Who can ask for a school violence protective order?

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

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

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

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

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

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

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

Should I go to the court hearing?

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

SV-109 Notice of Court Hearing Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)
 Name: _____
 Lawyer for Petitioner (if any):
 Name: _____ State Bar No.: _____
 Firm Name: _____
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-mail Address: _____

2 Student in Need of Protection
 Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)
 Full Name: _____

The court will fill out the rest of this form.
To the Respondent

4 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop school violence:
 Name and address of court if different from above:
 Hearing Date: _____ Date: _____ Time: _____
 Dept.: _____ Room: _____

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

5 Temporary Restraining Orders (Any orders granted are on Form SV-110, served with this notice.)
 a. Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*, are (check only one box below):
 (1) All GRANTED until the court hearing.
 (2) All DENIED until the court hearing. (Reasons for denial are specified in 5b on the next page.)
 (3) Partly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in 5b on the next page.)

This is a Court Order.

Judicial Council of California, www.courts.ca.gov
 New January 1, 2011, Mandatory Form
 Code of Civil Procedure, §§ 527.85 and 527.95
 Approved by DCJ

SV-109, Page 1 of 3

How long does the order last?

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

What about a lawyer?

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

Will I see the student at the court hearing?

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

Can I agree with the student to cancel the order?

No. Once the order is issued, only the judge can change or cancel it.

What if I am deaf or hard of hearing?**Request for Accommodations**

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

For help in your area, contact:

[Local information may be inserted]

Restraining Order After Hearing to Stop Private Postsecondary School Violence

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 Petitioner (Educational Institution Officer or Employee)

Name: _____

Attorney for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
Home Address (if known): _____
City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the student, the following family or household members or other students are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Student</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at:

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

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

This is a Court Order.

6 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

- a. The petitioner/school official represented by (name): _____
- b. The lawyer for the petitioner/school official (name): _____
- c. The student d. The lawyer for the student (name): _____
- e. The respondent f. The lawyer for the respondent (name): _____

Additional persons present are listed at the end of this Order on Attachment 6.

7 The hearing is continued. The parties must return to court on (date): _____ at (time): _____

To the Respondent

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

8 Personal Conduct Orders **Granted** **Not Granted** **Not Requested**

a. You are ordered **not** to:

- (1) assault, batter, or stalk the student and other protected persons.
- (2) make threats of violence against the student and other protected persons.
- (3) follow or stalk the student and other protected persons during school hours or to or from the school campus or facility.
- (4) contact the student and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5) enter the workplace of the student and other protected persons.
- (6) take any action to obtain the student's and other protected persons' addresses or locations.
- (7) other (specify): _____

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

9 Stay-Away Order **Granted** **Not Granted** **Not Requested**

a. You **must** stay at least (specify): _____ yards away from the student and other protected persons and (check all that apply):

- (1) the student's and other protected persons' homes
- (2) the student's and other protected persons' jobs or workplaces
- (3) the student's and other protected persons' vehicles
- (4) the student's and other protected persons' schools
- (5) other (specify): _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



10 Firearms Prohibition and Relinquishment

- a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**
- b. If you have not already done so, you must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form SV-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possesses a firearm.

11 Other Orders (specify): **Granted** **Not Granted** **Not Requested**

Additional orders are attached at the end of this Order on Attachment 11.

12 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS.

Name of Law Enforcement Agency

Address (City, State, Zip)

13 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

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

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

14 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 10. 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.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Restraining Order After Hearing to Stop Private Postsecondary School Violence* 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 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ②, or ④ of Form SV-100.
- Give a copy of all documents checked in ⑤ below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

PROOF OF PERSONAL SERVICE**5** I gave the respondent a copy of the forms checked below:

- a. SV-100, *Petition for Orders to Stop Private Postsecondary School Violence*
- b. SV-109, *Notice of Court Hearing*
- c. SV-110, *Temporary Restraining Order*
- d. SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence* (blank form)
- e. SV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Private Postsecondary School Violence?*
- f. SV-130, *Restraining Order After Hearing to Stop Private Postsecondary School Violence*
- g. SV-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (specify): _____

6 I personally gave copies of the documents checked above to the respondenta. On (date): _____ b. At (time): _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name_____
Server to sign here

What is “Service”?

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

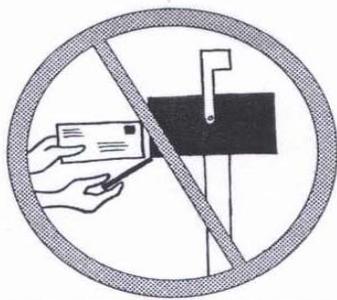
Service lets the other person know:

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

Why do I have to get the orders served?

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

Who can serve?



Don't serve it by mail!

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

The server must:

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

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

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

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

How to serve

Ask the server to:

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

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

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

When do the orders have to be served?

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

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

4 Notice of Hearing

Hearing Date → Date: _____
Dept.: _____

Next, look at the number of days written in item 6 on page 2 of Form SV-109.

6 Service of Documents and Time of Service

To the Petitioner

At least _____ days before the hearing,

Look at a calendar. Subtract the number of days in 6 from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in 6 you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

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

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

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

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

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

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

Before your hearing, fill out and file Form CIV-025, *Application and Order for Reissuance of Order to Show Cause and Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form CIV-025 to a copy of your original orders. Ask the clerk to enter CIV-025 into CLETS or take a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

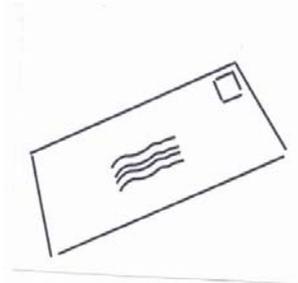
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older;
- Be a resident of or employed in the county where the mailing took place;
- Not be the respondent;
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner’s lawyer;
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I am a resident of or employed in the county where the mailing took place. I mailed the petitioner or the petitioner’s lawyer a copy of:

- a. Form SV-120, *Response to Petition for Orders to Stop Private Postsecondary School Violence* (completed)
- b. Other (specify): _____

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

- a. Mailed to (name): _____
- b. Mailed from: City: _____ State: _____ c. On (date): _____
- d. To this address: _____
City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server’s name

▶ _____
Server to sign here

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Address (*you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer*):

City: _____ State: _____ Zip: _____

Telephone (*optional*): _____ Fax (*optional*): _____

Your Lawyer (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

City: _____ State: _____ Zip: _____

Telephone : _____ Fax: _____

E-mail: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

4 To the Respondent:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 5 or 6 and item 7. After the form is signed, file it with the court clerk. Keep a copy for yourself.

5 To Law Enforcement

Fill out items 5 and 7 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 7 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

6 To Licensed Gun Dealer

Fill out items 6 and 7 of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in 7 were sold to me 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



7 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "SV-800, Item 7" for a title. Include the make, model, and serial number of each firearm.

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

If you answered yes, 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*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "SV-800, Item 8c" for a title.

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.

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

1 Petitioner (Employer)

Name: _____

is a corporation sole proprietorship
 other (specify): _____

and is filing this suit on behalf of the employee identified in item 2.

Address (skip this if you have a lawyer):

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address (optional): _____

Lawyer for Petitioner (if any): _____

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

2 Employee in Need of Protection (Protected Person)

Full Name: _____

Sex: M F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

Yes No If yes, list those persons on page 2.

This is not a Court Order.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:



Case Number: _____

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Employee</u>
_____	_____	_____	<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	_____

Additional protected persons are listed in Attachment 4a.

b. Why do these people need protection? (*Explain*):

Response is stated in Attachment 4b.

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? (*Describe*):

Response is stated in Attachment 5a.

b. Respondent is is not a current employee of petitioner (*explain any decision to retain, terminate or otherwise discipline the respondent*):

Response is stated in Attachment 5b.

6 Venue

Why are you filing in this county? (*Check all that apply*):

a. The respondent lives in this county.

b. The respondent has caused physical or emotional injury to petitioner’s employee in this county.

c. Other (*specify*): _____

7 Other Court Cases

a. Has the petitioner or the employee or any of the persons named in **4** been involved in another court case with the respondent? Yes No *If yes, check each kind of case and indicate where and when each was filed:*

<u>Kind of Case</u>	<u>County Where Filed</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(2) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(3) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4) <input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(5) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____

This is not a Court Order.



Case Number: _____

<u>Kind of Case</u>	<u>County Where Filed</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> School Site Violence	_____	_____	_____
(9) <input type="checkbox"/> Criminal	_____	_____	_____
(10) <input type="checkbox"/> Other (<i>specify</i>): _____	_____	_____	_____

b. Are there now any restraining orders or criminal protective orders in effect relating to the employee or any of the persons in ④ and the respondent? Yes No *If yes, attach a copy if you have one.*

⑧ Description of Respondent's Conduct

a. Respondent has (*check one or more*):

- (1) assaulted, battered, or stalked the employee.
- (2) made a credible threat of violence against the employee by making knowing or willful statements, or engaging in a course of conduct, that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

b. One or more of these acts (*check either or both*):

- (1) took place at the employee's workplace.
- (2) can reasonably be construed to be carried out in the future at the employee's workplace.

Address of workplace: _____

c. Describe what happened. (*Provide details. Include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses.*):

Response is stated in Attachment 8c.

d. Was the employee harmed or injured? Yes No *If yes, describe harm or injuries:*

Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? Yes No *If yes, describe:*

Response is stated in Attachment 8e.

This is not a Court Order.



- f. For any of the incidents described above, did the police come? Yes No I don't know
 If yes, did the employee or the respondent receive an Emergency Protective Order?
 Yes No I don't know

If yes: The order protects (check all that apply):

- (1) The employee (2) The respondent (3) One or more of the persons in (4)

Attach a copy of the order if you have one.

Check the orders you want

9 Personal Conduct Orders

I ask the court to order the respondent **not** to:

- a. assault, batter, or stalk the employee and other protected persons.
- b. commit acts of unlawful violence on or make threats of violence to the employee and other protected persons
- c. follow or stalk the employee and other protected persons during work hours or to or from the place of work.
- d. contact the employee and other protected persons, directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text messaging, by fax, or by other electronic means.
- e. enter the workplace of the employee and other protected persons.
- f. take any action to obtain the address or location of the employee and other protected persons.
- g. other *specify*: _____

10 Stay-Away Orders

- a. I ask the court to order the respondent to stay at least _____ yards away from the employee, each other protected person listed in (4), and (check all that apply):

- (1) the employee's and other protected persons' homes
- (2) the employee's and other protected persons' jobs or workplaces
- (3) the employee's and other protected persons' vehicles
- (4) the employee's and other protected persons' schools
- (5) other *specify*: _____

- b. If the court orders the respondent 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:*

Response is stated in Attachment 10b.

This is not a Court Order.

11 Firearms Prohibition and Relinquishment

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement or sell to a gun dealer any guns or firearms within his or her immediate possession or control.

Does the respondent own or possess any guns or other firearms? Yes No I don't know

12 Request for Immediate Orders Without Notice

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent? Yes No

If you answered yes, explain why:

Response is stated in Attachment 12.

13 Request for Less Than Five-Days' Notice

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Response is set forth in Attachment 13.

14 No Fee for Filing

I ask the court to waive the filing fee because the respondent has inflicted or threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

15 No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking.

16 Court Costs

I ask the court to order the respondent to pay my court costs.

This is not a Court Order.

Case Number:

17 **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

Additional orders requested are stated in Attachment 17.

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

Date: _____

Lawyer's name (if any)

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: _____

Name of person signing for petitioner

Signature

Title of person signing

This is not a Court Order.

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

What is a “workplace violence protective order”?

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

The court can order a person not to:

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

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

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

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

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

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see Form CH-150, *Can a Civil Harassment Restraining Order Help Me?*.

Who can an employer protect under this law?

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

California law defines “employees” as:

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

The “respondent” is the person against whom you are requesting the protective order.

An employer may seek protection under this law if:

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

What forms must be used to get the order?

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

4. *Temporary Restraining Order (TRO)* (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. *Restraining Order After Hearing to Stop Workplace Violence (Order)* (Form WV-130). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

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

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

Where can I get these forms?

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

Do I need a lawyer?

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

What steps are needed to get the court orders?

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

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

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

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent’s attorney when and where the request for a TRO would be made.
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent’s attorney, specifying the efforts made to contact them.
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent’s attorney.

5. Take your original completed forms and copies to the clerk’s office at the court. You will need at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies “file-stamped” to you. The clerk will write your hearing date on the *Notice of Court Hearing* (Form WV-109).



6. If you are seeking a **TRO** (Form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later, or if the *Notice of Court Hearing* and **TRO** will be mailed to you. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
If the court issues a TRO, it will last until the hearing date.
8. If the employee does not speak English, when you file your papers ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, bring someone to interpret. You cannot ask a child under 18 or anyone to be protected by the order to interpret.
9. Have the respondent personally **served** with copies of the **Petition** (Form WV-100), the *Notice of Court Hearing* (Form WV-109), the **TRO** (Form WV-110) (if issued), a blank **Response** (Form WV-120), and a blank *Proof of Service of Response by Mail* (Form WV-250). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-200-INFO, *What Is "Proof of Personal Service"?*.
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

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



California Law Enforcement Telecommunications System (CLETS) Information Form

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

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

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

1 Employee 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)
(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: _____

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

4 Other People to Be Protected
Name Date of Birth Sex Race

[] 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 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

The court will fill out the rest of this form.

To the Respondent

4 Notice of Hearing

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

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

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

5 Temporary Restraining Orders (Any orders granted are on Form WV-110, served with this notice.)

- a. Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, are (check only one box below):
- (1) All **GRANTED** until the court hearing.
 - (2) All **DENIED** until the court hearing. (Reasons for denial are specified in item 5b on the next page.)
 - (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Reasons for denial are specified in item 5b on the next page.)

This is a Court Order.

- b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, for personal conduct or stay away are denied are:
- (1) The facts as stated in Form WV-100 do not show or describe acts of unlawful violence or a credible threat of violence in sufficient detail.
- (2) Other (*specify*): As stated on Attachment 5b.

6 Service of Documents and Time for Service

To the Petitioner

At least ____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court’s “file-stamped” copy of this form to the respondent along with a copy of all of the forms indicated below:

- a. WV-100, *Petition for Orders to Stop Workplace Violence* (file-stamped)
- b. WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Orders to Stop Workplace Violence* (blank form)
- d. WV-250, *Proof of Service of Response by Mail* (blank form)
- e. WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*

f. Other (*specify*): _____

- The court cannot grant restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your petition and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form WV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents.

To the Respondent

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

Date: _____

Judicial Officer

This is a Court Order.



Case Number: _____

(Clerk will fill out this part.)

—Clerk’s Certificate—

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

Clerk’s Certificate

[seal]



Request for Accommodations

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

Date: _____

Clerk, by _____, Deputy

This is a Court Order.

WV-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

Lawyer for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

2 Employee in Need of Protection

Full Name: _____

Court fills in case number when form is filed.

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

Case Number: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Employee
_____	_____	_____	<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	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at the date and time of the hearing below:

(Date): _____ (Time): _____ a.m. p.m.

This is a Court Order.



To the Respondent

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

6 Personal Conduct Orders **Granted** **Not Granted** **Not Requested**

a. You are ordered **not** to:

- (1) assault, batter, or stalk the employee and other protected persons.
- (2) commit acts of violence or make threats of violence against the employee and other protected persons.
- (3) follow or stalk the employee and other protected persons during work hours or to or from the place of work.
- (4) contact the employee and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
- (5) enter the workplace of the employee and of the other protected persons.
- (6) take any action to obtain the employee's and other protected persons' address or location.
- (7) other (*specify*): _____

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Order **Granted** **Not Granted** **Not Requested**

a. You **must** stay at least (*specify*): _____ yards away from the employee and each other protected person listed in **4** and (*check all that apply*):

- (1) the employee's and other protected persons' homes
- (2) the employee's and other protected persons' jobs or workplaces
- (3) the employee's and other protected persons' vehicles
- (4) the employee's and other protected persons' schools
- (5) other (*specify*): _____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

8 Firearms Prohibition and Relinquishment

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.*)

c. The court has received information that you own or possesses a firearm.

This is a Court Order.



Case Number: _____

9 Other Orders (specify): Granted Not Granted Not Requested

Additional orders are attached at the end of this Order on Attachment 9.

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

11 No Fee to Serve Respondent Ordered Not Ordered

If the sheriff or marshal serves this Order, he or she will do so for free.

12 Number of pages attached to this Order, if any: _____

Date: _____
_____ Judicial Officer

Warnings and Notices to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 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.

This is a Court Order.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this Order.
- If you want to respond, fill out Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you inflicted or threatened violence against or stalked the employee.
- You must have Form WV-120 served on the petitioner or the petitioner’s attorney. Serve it by mail within the time given in item ⑥ of Form WV-109, *Notice of Court Hearing*. You cannot do this yourself. The person who does the service should complete and sign Form WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk’s office at the court shown on page 1 of this form or at www.courtinfo.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make restraining orders against you that last for up to three years.

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.

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Use this form to respond to the petition (Form WV-100)

- Read Form WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to protect your rights.
- Fill out this form and take it to the court clerk.
- Have the petitioner or the petitioner’s lawyer served by mail with a copy of this form and any attached pages. (*See Form WV-250, Proof of Service of Response by Mail.*)

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 Petitioner (Employer)

Name: _____

2 Employee Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Address (*you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer*):

City: _____ State: _____ Zip: _____

Telephone (*optional*): _____

Fax (*optional*): _____

Your Lawyer (*if you have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Fax No.: _____

E-mail: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from Form WV-109, item **4** here:

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

If you were served with a Temporary Restraining Order, you must obey it until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to three years.

4 Personal Conduct 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*): _____

5 Stay-Away 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*): _____



Case Number: _____

6 Firearms Prohibition and Relinquishment

If you were served with Form WV-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form WV-110. (See item 8 of Form WV-110.) You may use Form WV-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a. I do not own or control any guns or other firearms.
- b. I have turned in my guns and firearms to the police or to a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

7 Other Orders

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

8 Denial

I did not do anything described in item 8 of Form WV-100. (*Skip to 10.*)

9 Justification or Excuse

If I did some or all of the things that the petitioner has accused me of, my actions were justified or excused for the following reasons (*explain*):

- Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "WV-120, item 9—Justification or Excuse" as a title.



10 **No Fee for Filing**

I ask the court to waive the filing fee because the petitioner claims in Form WV-100 item **14** to be entitled to free filing.

11 **Costs**

a. I ask the court to order the petitioner to pay my court costs.

b. I ask the court to deny the request that I pay the petitioner's court costs.

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

Date: _____

Lawyer's name (if any)

Lawyer'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

What is a workplace violence protective order?

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

What does the order do?

The court can order you to:

- not contact the employee who is protected by the order
- stay away from that person and the person's home, workplace, and other places
- not have any guns while the order is in effect

Who can ask for a workplace violence protective order?

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

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

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing.

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

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

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

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

Should I go to the court hearing?

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

WV-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
1	Petitioner (Employer) Name: _____ Lawyer for Petitioner (if any): Name: _____ State Bar No.: _____ Firm Name: _____ Street Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-mail Address: _____	Fill in court name and street address: Superior Court of California, County of _____
2	Employee in Need of Protection Full Name: _____	
3	Respondent (Person From Whom Protection Is Sought) Full Name: _____	Fill in case number: Case Number: _____
<i>The court will fill out the rest of this form.</i>		
To the Respondent		
4	Notice of Hearing A court hearing is scheduled on the request for orders against you to stop workplace violence: Name and address of court if different from above: _____ Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____	
If you want to respond to the request for orders in writing, file Form WV-120, <i>Response to Petition for Orders to Stop Workplace Violence</i> . Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.		
5	Temporary Restraining Orders (Any orders granted are on Form WV-110, served with this notice.) a. Temporary Restraining Orders as requested in Form WV-100, <i>Petition for Orders to Stop Workplace Violence</i> , are (check only one box below): (1) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Reasons for denial are specified in item 5b on the next page.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Reasons for denial are specified in item 5b on the next page.)	
This is a Court Order.		
Judicial Council of California, www.courts.ca.gov New January 1, 2011, Mandatory Form Code of Civil Procedure, §§ 527.8 and 527.9 Approved by DOJ		Notice of Court Hearing (Workplace Violence Prevention) WV-109, Page 1 of 3 →



How long does the order last?

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

What about a lawyer?

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

Will I see the employee at the court hearing?

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

What if I have a gun?

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

Can I agree with the employee to cancel the order?

No. Once the order is issued, only the judge can change or cancel it.

What if I am deaf or hard of hearing?**For help in your area, contact:**

[Local information may be inserted]

**Request for Accommodations**

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

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 Petitioner (Employer)

Name: _____

Attorney for Petitioner (if any):

Name: _____ State Bar No.: _____

Firm Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

In addition to the employee, the following family or household members or other employees are protected by the orders indicated below:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relation to Employee</u>
_____	_____	_____	<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	_____

Additional protected persons are listed at the end of this Order on Attachment 4.

5 Expiration Date

This Order expires at:

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

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

This is a Court Order.

6 Hearing

There was a hearing on (date): _____ at (time): _____ a.m. p.m. in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

- a. The petitioner/employer represented by (name): _____
 - b. The lawyer for the petitioner/employer (name): _____
 - c. The employee d. The lawyer for the employee (name): _____
 - e. The respondent f. The lawyer for the respondent (name): _____
- Additional persons present are listed at the end of this Order on Attachment 6.

7 The hearing is continued. The parties must return to court on (date): _____ at (time): _____

To the Respondent

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

8 Personal Conduct Orders **Granted** **Not Granted** **Not Requested**

- a. You are ordered **not** to:
 - (1) assault, batter, or stalk the employee and other protected persons.
 - (2) commit acts of violence or make threats of violence against the employee and other protected persons.
 - (3) follow or stalk the employee and other protected persons during work hours or to or from the place of work.
 - (4) contact the employee and other protected persons, directly or indirectly, by **any** means, including but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
 - (5) enter the workplace of the employee and other protected persons.
 - (6) take any action to obtain the employee's and other protected persons' addresses or locations.
 - (7) other (specify): _____
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

9 Stay-Away Order **Granted** **Not Granted** **Not Requested**

- a. You **must** stay at least (specify): _____ yards away from the employee and other protected persons and (check all that apply):
 - (1) the employee's and other protected persons' homes
 - (2) the employee's and other protected persons' jobs or workplaces
 - (3) the employee's and other protected persons' vehicles
 - (4) the employee's and other protected persons' schools
 - (5) other (specify): _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

10 Firearms Prohibition and Relinquishment

- a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**
- b. If you have not already done so, you must:
 - (1) Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves guns have been turned in or sold. (*You may use Form WV-800, Proof of Firearms Turned In or Sold, for the receipt.*)
- c. The court has received information that you own or possesses a firearm.

11 Other Orders (specify): **Granted** **Not Granted** **Not Requested**

Additional orders are attached at the end of this Order on Attachment 11.

12 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Orders System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (*Check one*):

- a. The clerk will enter this Order and its proof-of-service form into CLETS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CLETS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CLETS:

Name of Law Enforcement Agency

Address (City, State, Zip)

13 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

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

- a. The Order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

14 Number of pages attached to this Order, if any: _____

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑩. 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.

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, if attorney, and address): TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PLAINTIFF: DEFENDANT: EMPLOYEE:	
PROOF OF SERVICE BY PERSONAL DELIVERY OF COMPLETED RESPONSE (Workplace Violence)	

PERSONAL SERVICE

Instructions to Defendant: *If the court orders personal service, you must have someone else personally serve the plaintiff. You cannot serve these papers yourself. After having the plaintiff personally served with any of the documents identified in item 2, have the person who served the documents complete this Proof of Service By Personal Delivery of Completed Response (Workplace Violence). Give the completed Proof to the clerk for filing. An unsigned copy of the Proof should be attached to and served with the document.*

1. I am over the age of 18 and **not a party to this legal action.**
2. I served a copy of the following documents (check the box before the title of each document you served):
 - a. Completed *Response to Petition of Employer for Injunction Prohibiting Violence or Threats of Violence Against Employee (Workplace Violence)* (form WV-110)
 - b. Other (*specify*):

3. a. Name:
- b. Date:
- c. Time:
- d. Address:

4. My residence or business address is (*specify*):

5. My telephone number is (*specify*):

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

Date:

(TYPE OR PRINT NAME)

▶

(SIGNATURE)

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** , **2** , or **4** of Form WV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**PROOF OF PERSONAL SERVICE****5** I gave the respondent a copy of the forms checked below:

- a. WV-100, *Petition for Orders to Stop Workplace Violence*
- b. WV-109, *Notice of Court Hearing*
- c. WV-110, *Temporary Restraining Order*
- d. WV-120, *Response to Petition for Orders to Stop Workplace Violence* (blank form)
- e. WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*
- f. WV-130, *Restraining Order After Hearing to Stop Workplace Violence*
- g. WV-800, *Proof of Firearms Turned In or Sold* (blank form)
- h. Other (*specify*): _____

6 I personally gave copies of the documents checked above to the respondent

- a. On (*date*): _____ b. At (*time*): _____ a.m. p.m.
- c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

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

What is “Service”?

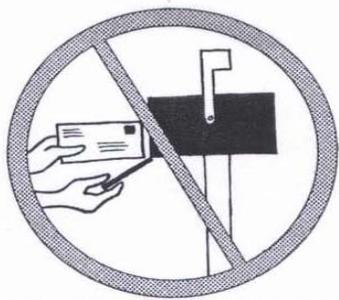
Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Orders to Stop Workplace Violence* (Form WV-100), the *Notice of Court Hearing* (Form WV-109), and the *Temporary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

Service lets the other person know:

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

Why do I have to get the orders served?

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

Who can serve?

Don't serve it by mail!

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

The server must:

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

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

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

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

How to serve

Ask the server to:

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

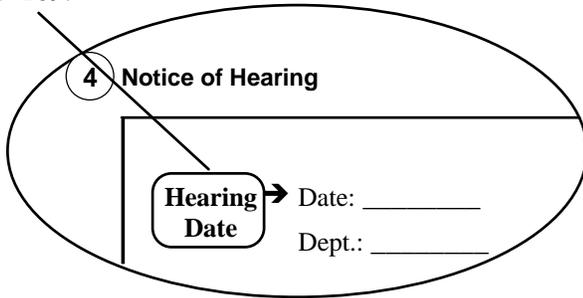
What if the person won’t take the papers or tears them up?

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

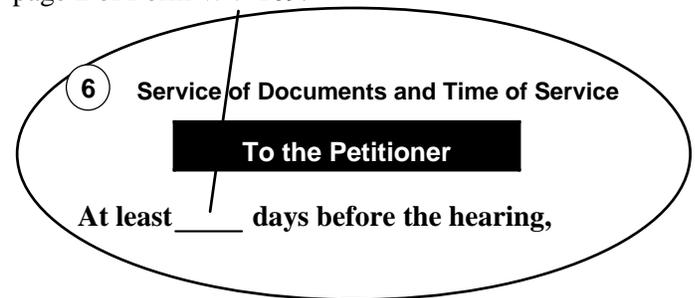
When do the orders have to be served?

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

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



Next, look at the number of days written in item (6) on page 2 of Form WV-109.



Look at a calendar. Subtract the number of days in (6) from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date.

If nothing is checked or written in (6), you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

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

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

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

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

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

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

Before your hearing, fill out and file Form CIV-025, *Application and Order for Reissuance of Order to Show Cause and Temporary Restraining Order*. This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of Form CIV-025 to a copy of your original orders. Ask the clerk to enter CIV-025 into CLETS or take a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Name: _____

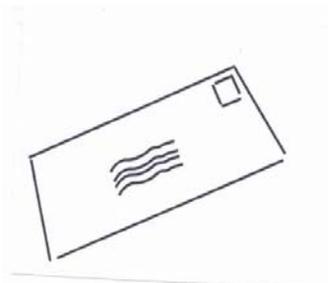
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older;
- Be a resident of or employed in the county where the mailing took place;
- Not be the respondent;
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner’s lawyer;
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I am a resident of or employed in the county where the mailing took place. I mailed the petitioner or the petitioner’s lawyer a copy of:

- a. Form WV-120, *Response to Petition for Orders to Stop Workplace Violence* (completed)
- b. Other (specify): _____

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

- a. Mailed to (name): _____
- b. Mailed from: City _____ State: _____ c. On (date): _____
- d. To this address: _____
City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____
 Address: _____
 City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server’s name

Server to sign here

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Address (you may give a mailing address if you want to keep your street address private; skip this if you have a lawyer):

City: _____ State: _____ Zip: _____

Telephone (optional): _____ Fax (optional): _____

Your Lawyer (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

City: _____ State: _____ Zip: _____

Telephone : _____ Fax: _____

E-mail: _____

4 To the Respondent:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item **5** or **6** and item **7**. After the form is signed, file it with the court clerk. Keep a copy for yourself.

5 To Law Enforcement

Fill out items **5** and **7** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in **7** 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

6 To Licensed Gun Dealer

Fill out items **6** and **7** of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in **7** were sold to me 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

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Case Number: _____

7 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "WV-800, Item 7" for a title. Include the make, model, and serial number of each firearm.

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

If you answered yes, 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): _____

p 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):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "WV-800, Item 8c" for a title.

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

SPR10-43

Protective Orders: Prevention of Private Postsecondary School and Workplace Violence

(adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
1.	Hon. Christine Copeland Commissioner of the Superior Court of San Benito County	NI	<p><u>Forms SV-100 and WV-100</u></p> <p>1. In items 2, 3, 4 replace “age” with “date of birth.”</p> <p>2. At signature line area of application form, make attorney signature line be optional (maybe with a box to check if any attorney is bringing the application, or some language to make it clear that an attorney is not required)</p>	<p><u>Forms SV-100 and WV-100</u></p> <p>1. The committee disagreed with this suggestion. A date of birth is sensitive personal information subject to misuse; it should not be included in the publicly filed petition forms. Dates of birth are included on the <i>Confidential CLETS Information</i> form, where that information is available for law enforcement if it needs it.</p> <p>2. The committee agreed that it could be made be clearer in the signature lines on the forms that an attorney is not required. It has modified the signature lines for attorneys, to add after “Lawyer’s Name,” the words “(if any).”</p>
2.	Department of Justice Sacramento		<p>1. The forms should accurately state that the data will be entered into CARPOS via CLETS (CARPOS is the database and CLETS is the communication system)</p> <p>2. "Entry of Order into CLETS" (Item # 10 on the 110 forms and Item # 12 on the 130 forms) has all check boxes making it appear that entry into CARPOS is discretionary if none of the boxes are checked. The item should read "Entry of Order into CARPOS via CLETS is</p>	<p>1. References to CARPOS have been added on various forms.</p> <p>2. The forms have been modified in response to this comment.</p>

SPR10-43

Protective Orders: Prevention of Private Postsecondary School and Workplace Violence

(adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	Committee Response
			<p>Mandatory" (select one of the following).</p> <p>Also, Option "c" will not need to be listed if AB 1596 passes.</p> <p>It is important that these forms clearly indicate that entry into CARPOS is mandatory. As I am sure you are aware, judges are issuing "Non-CLETS" orders contrary to California statutory law. DOJ is addressing the issue when the orders come to our attention. If the forms are unclear on the issue, the problem will only continue.</p> <p>3. If the CLETS Confidential Form is not used, the forms need to include a DOB box for the protected party. The information is needed for NCIC.</p> <p>4. Different conduct orders for different individuals within the same protective order is confusing and hard to enforce. Too many check boxes cause confusion for those entering the data into CARPOS and also for the officers reading the CLETS printout. If the order is granted, it should apply to the protected parties</p>	<p>Option "c" has been left unchanged because if AB 1596 is enacted, it will not be effective until next year and still contains the option.</p> <p>3. The <i>Confidential CLETS Information</i> form is mandatory and must be submitted with requests for protective orders. (See Cal. Rules of Court, rule 1.51(a).) Hence, no DOBs are included on the public forms.</p> <p>4. The forms have been modified as suggested.</p>

SPR10-43

Protective Orders: Prevention of Private Postsecondary School and Workplace Violence

(adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, SV-130, WV-102, and WV-109; approve forms SV-100-INFO, SV-120 INFO, SV-200, SV-200-INFO, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

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	Commentator	Position	Comment	Committee Response
			<p>and any other protected parties. We suggest the following:</p> <ul style="list-style-type: none"> • SV-100: eliminate the second set of check boxes in Items 9 & 10 • SV-100: eliminate check box in Item 10a • SV-130: eliminate the second set of check boxes in Items 8 & 9 • WV-100: eliminate the second set of check boxes for items under 9b • WV-100: eliminate check box in Item 10a <p>5. On the WV-110, there is no CLETS order type listed. The order type will remain TWH.</p> <p>6. On the WV-130, there is no CLETS order type listed. The order type will remain WHO.</p> <p>7. On the WV-120, the check box in Item 6 for Firearms Prohibition and Relinquishment should be eliminated. The firearm restrictions are mandatory, not optional.</p> <p>8. For the new SV forms, the order types designated on the bottom of the forms should be as follows:</p>	<p>5. TWH has been placed in the footers.</p> <p>6. WHO has been placed in the footers.</p> <p>7. The check box has been eliminated as suggested.</p> <p>8. The order types have been added in the footers of the forms.</p>

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> • Temporary: CLETS-TSV • Order after Hearing: CLETS-SVO 	
3.	Shirley Gunn Jackson, CA Court Clerk IV Superior Court of Amador County	AM	<p>Agree with proposed changes if modified.</p> <p>Using common language in lieu of legal language and making the forms easier on the eye for finding and marking information would be fine.</p> <p>I definitely object to following the design of the new Domestic Violence forms. The various judges presented with the new DV forms absolutely and vocally dislike them, as do the clerks attempting to process them. As they require a judge to make rulings item by item- even comparing them to the request to decide if an item was requested or not, they are encumbersome to put to use. More often than not items are missed by a judge. Temporary Orders have even been signed and processed with no orders at all indicated anywhere but on the Notice of Hearing- being marked granted. I note that the employer or attorney is to complete the school or work place forms, which helps some, but still will require cross</p>	<p>The commentator’s support for the plain language format is noted.</p> <p>The committee supports the design of the forms as circulated. As the commentator notes, the new and revised school and workplace violence prevention forms contain many of the same features as the revised domestic violence forms, including the separation of the notice of hearing from the temporary restraining orders. This decision was deliberate, based on the experience with the domestic violence forms. When the domestic violence prevention forms were circulated for public comment in 2009, there was extensive discussion of the issues raised by the changes to the forms. Despite some objections, the Family and Juvenile Law Advisory Committee recommended proceeding with the proposed changes and the Judicial Council</p>

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			<p>outs when the judge disagrees with an item already marked by petitioner as granted, which would negate the reason to set the forms up in this manner. With the large work load of documents requiring a judge's consideration and signature, it is far too time consuming to make line by line orders. I often hear that the judge has already checked "all granted" on the Notice of Hearing.</p> <p>Perhaps leaving the Notice and proposed temporary order together, but with the Notice of Hearing newer format allowing an order to grant all, deny part with explanation, or deny all- requiring from the judge a quick check and signature would be much better. Or at least offer line by line the "not requested" to be completed by the petitioner with a "not granted" box for the judge to mark only if the judge is denying that portion of the order. Unless not granted or not requested is marked, then it is granted as completed by the petitioner. I realize this is a lengthy comment, but the new DV forms have caused such processing problems that I would absolutely hate to see the same format extended to other areas.</p>	<p>approved the revisions to the forms as proposed.</p> <p>The 2009 Judicial Council report on those forms explained the rationale for the changes and addressed the comments and objections: "In developing this proposal, the committee considered the problems inherent in the current procedure whereby a litigant presents a proposed temporary restraining order to the court and the court crosses off any temporary orders not granted. This procedure results in confusion for law enforcement personnel and the parties because the cross-outs are sometimes unclear. Therefore, the notice of hearing is separated from the temporary restraining order. The committee believes that this approach will clarify for law enforcement personnel and the parties the existence or absence of temporary orders pending a hearing."</p> <p>The 2009 report also addressed the comments of those who opposed the inclusion of boxes on the order forms to indicate whether a particular order was granted, not granted, or not requested. One commentator stated that the check boxes could be overlooked by the court, and another stated that the check boxes were confusing. Notwithstanding these comments, the Family and Juvenile Law Advisory Committee concluded that the</p>

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				checkboxes would clarify the court’s orders for law enforcement personnel and the parties, and so should be retained. Based on the experience with the revised domestic violence forms, the Civil and Small Claims Advisory Committee supports the continued adoption and use of protective order forms with separate notices of hearing and orders. Though the revised forms may require judicial officers to be more active in completing the orders, the orders are clearer for litigants and law enforcement. Thus, the committee recommends using the new design and organization of the forms for the school and workplace violence prevention forms, as proposed.
4.	Orange County Bar Association Newport Beach Lei Lei Wang Ekvall, President	A	No specific comment.	No specific response required.
5.	Superior Court of Los Angeles County Los Angeles	AM	<u>Form SV-130</u> The SV-130 requires the clerk to enter information (e.g. the hearing date and who was present) that is redundant with information on the minute order, adding more work for the judicial assistant. It is the petitioner’s obligation to provide proof of service to the	<u>Form SV-130</u> The committee did not agree with the commentator’s conclusion that, because a minute order is produced, it is unnecessary to include this information on the forms. The information on the form orders about the hearing date and who was present is very useful to the parties and

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			<p>court, so it is unclear why the form requires this information. It seems redundant and unnecessary since a minute order is produced.</p> <p><u>General</u> Not having the short title caption on each page may cause problems. The names of the parties should continue to be reflected in the event the documents is detached or misplaced, especially when filed by a pro per.</p>	<p>others who may not have access to the court’s minute order. The information is also needed to implement Family Law Code section 6380(c), which requires information about the respondent’s presence at the hearing to be entered into CLETS. In addition, if AB 1596 is enacted, some of this information on the forms will be needed to inform the parties and law enforcement that a respondent received actual notice of the terms of the order through personal appearance in court, so no additional proof of service would be necessary for enforcement of the order. The information on the forms will also indicate if a respondent who was personally served did not appear at the hearing, which would allow for service of the order after hearing on the respondent by first-class mail, provided the terms of the permanent order are the same as the terms of the temporary order. (See AB 1596, Sec. 5, Code Civ. Proc., § 527.85(p)(1)-(2).)</p> <p><u>General</u> The committee did not think that the short title is necessary. The heading on each page will still contain the case number, which should be sufficient to identify a document, even if it is detached or misplaced. The names of the parties</p>

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				are not necessary and it is burdensome for litigants in protective order proceedings to have to insert the names on the top of every page.
6.	Superior Court of San Diego County By Michael M. Roddy Court Executive Officer		*The court submitted extensive suggestions for revisions to the forms, including detailed comments and annotations on all the forms that were circulated.	The committee carefully reviewed the court’s suggestions and made many of the changes that were proposed. Although most of the suggestions were technical and nonsubstantive, altogether their inclusion greatly improved the quality and accuracy of the forms. The court’s suggestions for the reorganization of the information forms were particularly helpful. Those forms are far clearer and easier for self-represented litigants to understand than the original versions that were circulated. The committee recognizes the significant contributions of the court to improving the forms and thanks it for its effort.
7.	Superior Court of Sacramento County By Robert Turner ASO II Finance Division	NI	*On form WV-120 on page 59, the document title incorrectly refers to School Site Violence.	The committee agreed. This correction has been made.