# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT SP22-09

#### Title

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621

#### Proposed Rules, Forms, Standards, or Statutes

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO

#### **Proposed by**

Civil and Small Claims Advisory Committee Hon. Tamara Wood, Chair

#### **Action Requested**

Review and submit comments by October 11, 2022

# **Proposed Effective Date** January 1, 2023

Contact

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#### **Executive Summary and Origin**

The Civil and Small Claims Advisory Committee is proposing revisions to 30 Judicial Council civil restraining order forms. Many of the forms in this proposal were circulated for comment between April and May 2022 to update the information on the forms related to interpreters, disability and court accommodations, and the priority of enforcement among protective orders. After the comment period closed, the Legislature enacted Assembly Bill 1621, which took effect immediately on June 30, 2022. The new legislation prohibits persons restrained under these restraining orders from possessing firearm parts (in addition to the already prohibited firearms). This proposal recommends additional revisions to 12 previously circulated forms and recommends revisions to 18 forms that were not previously circulated to reflect the new law.

#### Background

On June 30, 2022, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76).<sup>1</sup> The law was passed as urgency legislation and took effect immediately. In addition to firearms and ammunition, AB 1621 prohibits individuals restrained under most civil protective orders from possessing or obtaining firearm parts, including completed frames and receivers and "firearm precursor parts" as defined in Penal Code section 16531(a), which was also modified by AB 1621. (Pen. Code, § 16520(b)(24) & (26).) The expanded prohibition on possessing firearm parts in AB 1621 now applies to protective orders for civil harassment, elder or dependent adult abuse,<sup>2</sup> private postsecondary school violence, and workplace violence. This proposal contains revisions to all those form types except elder or dependent adult abuse, which is in a separate proposal.

#### **Prior Circulation**

A proposal with revisions to civil protective order forms to update the information on the forms concerning interpreters, disability and court accommodations, and the priority of enforcement among protective orders was previously circulated for comment in spring 2022.<sup>3</sup> The forms in that proposal are being recirculated in light of the further revisions recommended to those forms to implement AB 1621.

### The Proposal

This proposal recommends revisions to forms in the civil harassment restraining orders form group (CH-100 and CH-800 series), private postsecondary school restraining orders form group (SV-100 and SV-800 series), and workplace violence restraining order group (WV-100 and WV-800 series) to include language stating that restrained individuals are not permitted to possess or obtain firearm parts (firearm precursor parts, also known as ghost guns). Such revisions are urgently needed to conform to a recent change in the law under AB 1621.<sup>4</sup> The following forms are included in this proposal:

#### CH forms:

- Request for Civil Harassment Restraining Orders (form CH-100);
- Can a Civil Harassment Restraining Order Help Me? (form CH-100-INFO);
- *Notice of Court Hearing* (form CH-109);
- *Temporary Restraining Order* (form CH-110);
- Response to Request for Civil Harassment Restraining Orders (form CH-120);

https://www.courts.ca.gov/documents/spr22-22.pdf.

<sup>&</sup>lt;sup>1</sup> Assembly Bill 1621 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=202120220AB1621.

<sup>&</sup>lt;sup>2</sup> The prohibition on possessing firearm parts in AB 1621 does not apply to the new cause of action for an elder or dependent adult restraining order allowing contact under AB 1243 (Stats. 2021, ch. 273).

<sup>&</sup>lt;sup>3</sup> See Protective Orders: Updating Civil Protective Order Forms (SPR22-22),

<sup>&</sup>lt;sup>4</sup> The new revisions are highlighted in yellow while earlier revisions (to implement the new findings that a court may make related to specific debts and to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders) are highlighted in gray.

- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO);
- Civil Harassment Restraining Order After Hearing (form CH-130);
- *Proof of Personal Service* (form CH-200);
- *Proof of Firearms Turned In, Sold, or Stored* (CH-800), retitled *Receipt for Firearms, Firearm Parts, and Ammunition*; and
- How Do I Turn In, Sell, or Store My Firearms? (form CH-800-INFO), retitled How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?

#### SV forms:

- Petition for Private Postsecondary School Violence Restraining Orders (form SV-100);
- *How Do I Get an Order to Prohibit Private Postsecondary School Violence?* (form SV-100-INFO);
- *Notice of Court Hearing* (form SV-109);
- *Temporary Restraining Order* (form SV-110);
- *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120);
- *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO);
- Private Postsecondary School Violence Restraining Order After Hearing (form SV-130);
- *Proof of Personal Service* (form SV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (SV-800), retitled *Receipt for Firearms, Firearm Parts, and Ammunition*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form SV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

WV forms:

- Petition for Workplace Violence Restraining Orders (form WV-100);
- How Do I Get an Order to Prohibit Workplace Violence? (form WV-100-INFO);
- Notice of Court Hearing (form WV-109);
- *Temporary Restraining Order* (form WV-110);
- *Response to Petition for Workplace Violence Restraining Orders* (form WV-120);
- *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO);
- Workplace Violence Restraining Order After Hearing (form WV-130);
- *Proof of Personal Service* (form WV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (form WV-800), retitled *Receipt for Firearms, Firearm Parts, and Ammunition*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form WV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

Last year the Legislature enacted Assembly Bill 1057 (Stats. 2021, ch. 682),<sup>5</sup> which provided that individuals restrained under gun violence or domestic violence restraining orders are not permitted to possess or obtain firearm parts. This year, AB 1621 further revised the definition of "firearm precursor part" in Penal Code section 16531(a).<sup>6</sup> Proposals revising language in those types of restraining orders to add firearm parts were adopted by the Judicial Council at its September 2022 meeting.<sup>7</sup> For consistency, the recommended revisions in this proposal closely track the revisions to gun violence and domestic violence restraining orders related to firearm parts. The specific revisions are discussed below by form type. (The committee notes that the changes proposed are the same across all form groups, CH, WV, and SV, and these are the same as proposed in the EA forms in a separate invitation to comment. The committee will consider comments on any one set as applying to all unless the commenter notes otherwise.)

#### Petitions, responses, and corresponding information sheets

The civil harassment, private postsecondary school violence, and workplace violence petitions and responses (forms CH-100, CH-120, SV-100, SV-120, WV-100, and WV-120) all contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to "firearm parts" and includes a parenthetical plain language definition for such a term: "any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531."

The information sheets about the petitions and responses (forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO) include similar additions explaining that the restraining order can prevent the subject of the restraining order from having firearms (guns), firearm parts, and ammunition. The parenthetical definition mentioned above is also included on the information sheets. In addition, the information sheets include two new links. The first is to a dedicated California Courts Self-Help Guide webpage providing additional information about the "prohibited items" a person restrained under most California restraining orders is not allowed to have. The second offers information about the specific restraining order process and provides step-by-step instructions on obtaining such an order.

#### Orders

This proposal would also revise the temporary restraining orders (forms CH-110, SV-110, and WV-110) and the orders after hearing (forms CH-130, SV-130, and WV-130) to include a new

<sup>&</sup>lt;sup>5</sup> Assembly Bill 1057 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202120220AB1057.

<sup>&</sup>lt;sup>6</sup> The previous definition of "firearm precursor part" described the precursor parts as different types of unfinished receivers and frames, including a "receiver channel" and a "receiver side plate." The new definition in AB 1621 replaced specific types of unfinished receivers with a broader reference to an "article" that may be "readily" "converted to be used as the frame or receiver."

<sup>&</sup>lt;sup>7</sup> The committee believes that the same wording it proposed be used in the forms to implement AB 1057 is appropriate to implement AB 1621, and that language is what was approved by the council. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022),

https://jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F.)

item listing the "prohibited items," including firearm parts. Other items in each form refer to the new item defining prohibited items rather than listing each prohibited item.<sup>8</sup>

#### Notice of court hearing

The hearing notices (forms CH-109, SV-109, and WV-109) contain warnings to the restraining order respondents that if the court issues a restraining order they will be required to turn in their firearms. This proposal revises those warnings to include firearm parts, with the parenthetical definition also included on the petition and the response.

#### Forms regarding relinquishment of prohibited items

Since most of the civil protective orders require the restrained person to relinquish their firearms and related items and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing such forms in the gun violence and domestic violence form series, the committee recommended new titles and significant reformatting. This proposal includes similar revisions to forms CH-800, SV-800, and WV-800, proposed to be retitled as *Receipt for Firearms, Firearm Parts, and Ammunition*, and CH-800-INFO, SV-800-INFO, and WV-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition*?

Such parallel revisions also include adding a check box to forms CH-800, SV-800, and WV-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Check boxes noting whether each listed item has been "Sold," "Stored," or is "To be destroyed" have also been added to those forms. In addition, forms CH-800-INFO, SV-800-INFO, and WV-800-INFO now contain an explanation that firearms and other prohibited items may not be given to a friend or family member and clarify that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

#### **Proofs of service**

The optional proofs of service (forms CH-200, SV-200, and WV-200) include the proof of firearm relinquishment (forms CH-800, SV-800, and WV-800) as one of the forms that can be checked off as having been served. Accordingly, this proposal recommends revising the proofs of service to reflect the updated titles of the respective 800-numbered forms.<sup>9</sup>

#### Effective date

Given that AB 1621 has already taken effect, the forms in this proposal are proceeding on a special cycle with an abbreviated comment period to be presented to the council for approval or adoption in December 2022, even though this will provide less than usual time for the forms to

<sup>&</sup>lt;sup>8</sup> In response to a comment received on the original proposal, the order forms also contain revisions to the item describing the restrained person to note which fields are required for the order to be entered into the California Law Enforcement Telecommunications System. Additionally, the priority of enforcement language on the last pages of the orders has also been modified in response to comments received on the original proposal.

<sup>&</sup>lt;sup>9</sup> To correct inadvertent omissions, forms SV-200 and WV-200 have also been updated to add corresponding forms for proof of service by mail (SV-250 and WV-250) to the list of forms that can be checked off as having been served.

be put into use. The committee recommends that the revisions take effect January 1, 2023, in order for the new law to be reflected on the forms as soon as possible. Additionally, similar revisions to gun violence and domestic violence restraining order forms to include "firearm parts" on the forms will also become effective January 1, 2023, and having all the restraining orders change at the same time should make training simpler.

#### **Alternatives Considered**

Because AB 1621 prohibits individuals restrained under civil protective orders from having firearm parts, which is not provided for on the council's current mandatory civil protective order forms, the committee determined that taking no action would be inappropriate.

The advisory committee considered an alternative plain-language definition of firearm parts, one which would more closely align with the language added to Penal Code section 16531(a) in AB 1621: "any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)." However, because the council favors consistency among protective order forms and because a slightly different definition is used on the gun violence and domestic violence restraining order forms recently approved by the council,<sup>10</sup> the forms proposed here include the language identical to that in the domestic violence and gun violence restraining orders.

The committee considered recommending a later effective date for the revised forms in this proposal, but concluded that an effective date of January 1, 2023, is appropriate because that is the date that revisions to other protective order forms with similar information will take effect. (The committee notes that AB 1621 regarding firearms is already in effect.)

#### **Fiscal and Operational Impacts**

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the changes in statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks, judicial officers, and litigants to understand the items that restrained individuals are prohibited from having.

<sup>&</sup>lt;sup>10</sup> Those forms were recently approved by the council with the language proposed here, "any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531," as a parenthetical definition of firearm parts,

### **Request for Specific Comments**

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

- Does the proposal appropriately address the stated purpose?
- Which parenthetical plain-language definition for firearm parts is preferable:
  - "any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531"
  - "any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)"
  - Some other language?

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

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

- Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO, at pages 8–114
- 2. Link A: Assembly Bill 1621, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202120220AB1621
- 3. Link B: Assembly Bill 1057, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\_id=202120220AB1057

	CH-100 Request for Civil Harassment			Clerk stamps date here when form is filed.	
Read INFC	<i>Can a Civil Haras</i> )) before completir	<b>Restraining Or</b> sment Restraining Orde g this form. Also fill ou <i>CS-001</i> ) with as much in	r Help Me? ( t Confidentia	l CLETS	00- DRAFT 8/17/2022
1	Person Seekin a. Your Full Nan	-		Age:	Not approved by the Judicial Council
	3.7	if you have one for this		ar No.:	Fill in court name and street address: Superior Court of California, County of
	information. If home address	(If you have a lawyer, g You do not have a lawy private, you may give a po not have to give teleph	er and want t different mai	o keep your ling address	
	Address:				Court fills in case number when form is filed.
	City:		State:	Zip:	Case Number:
	Telephone:		Fax:		
	Email Address	:			
	Address <i>(if known</i> City:				tate: Zip:
3	Additional Pro	<b>Ditected Persons</b> g for protection for any o			d members?  Yes No If yes, list them
		Full Name	Se	<u>ex Age</u>	Lives with you? How are they related to you
					_ Yes _ No
					Yes _ No
					Yes _ No
					Yes _ No
	Persons" for a b. Why do these	<i>title. You may use form</i> people need protection? <i>there is not enough spac</i>	MC-025, At (Explain belo e for your an	tachment. ow): swer. Put yo	and write "Attachment 3a—Additional Protected our complete answer on the attached sheet of is Need Protection" for a title.
		Th	is is not a	Court Ore	rder.

#### Request for Civil Harassment Restraining Orders (Civil Harassment Prevention)

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#### **A** Relationship of Parties

How do you know the person in (2)? (*Explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

#### 5 Venue

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

- a.  $\Box$  The person in **2** lives in this county.
- b.  $\Box$  I was harassed by the person in (2) in this county.
- c. Other *(specify):*

#### 6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

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

			5
	Kind of Case	Filed in (County/State)	Year Filed Case Number (if known)
(1)	Civil Harassment		
(2)	Domestic Violence		
(3)	Divorce, Nullity, Legal Separation		
(4)	Daternity, Parentage, Child Custody		
(5)	Elder or Dependent Adult Abuse		
(6)	Eviction		
(7)	🗌 Guardianship		
(8)	□ Workplace Violence		
(9)	Small Claims		
(10)	Criminal		
(11)	Other (specify):		

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in ③ and the person in ②? □ No □ Yes (If yes, attach a copy if you have one.)

#### **Description of Harassment**

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

- a. Tell the court about the last time the person in (2) harassed you.
  - (1) When did it happen? (provide date or estimated date):
  - (2) Who else was there?

# This is not a Court Order.

7

<ul> <li>Did the person in ② use or threaten to use a gun or any other weapon?</li> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.</li> </ul> Were you harmed or injured because of the harassment? <ul> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title. Were you harmed or injured because of the harassment? <ul> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC 005 and write "Attachment 7a(6). Use the paper of the attached sheet of paper or provide the space for your answer. Put your complete answer on the attached sheet of paper or provide the space for your answer. Put your complete answer on the attached sheet of paper or provide the space for your answer. Put your complete answer on the attached sheet of paper or provide the space for your answer. Put your complete answer on the attached sheet of paper or form the space for your answer. Put your complete answer on the attached sheet of paper or form the space for your answer. Put your complete answer on the attached sheet of paper or form the space for your answer. Put your complete answer on the attached sheet of paper or form the space for your answer. Put your complete answer on the attached sheet of paper or form the paper of the space for your answer. Put your complete answer on the attached sheet of pager or form the paper of the space for your answer.</li> </ul></li></ul>
<ul> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.</li> <li>Were you harmed or injured because of the harassment?</li> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached</li> </ul>
<ul> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.</li> <li>Were you harmed or injured because of the harassment?</li> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached</li> </ul>
<ul> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.</li> <li>Were you harmed or injured because of the harassment?</li> <li>Yes □ No (If yes, explain below):</li> <li>Check here if there is not enough space for your answer. Put your complete answer on the attached</li> </ul>
Yes No (If yes, explain below): Check here if there is not enough space for your answer. Put your complete answer on the attached
Check here if there is not enough space for your answer. Put your complete answer on the attached
sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.
Did the police come?  Yes No
If yes, did they give you or the person in $(2)$ an Emergency Protective Order? $\Box$ Yes $\Box$ No if yes, the order protects <i>(check all that apply):</i>
$\square Me \qquad \square The person in (2) \qquad \square The persons in (3).$
(Attach a copy of the order if you have one.)
e person in (2) harassed you at other times?
s 🗌 No <i>(If yes, describe prior incidents and provide dates of harassment below):</i>
neck here if there is not enough space for your answer. Put your complete answer on the attached sheet of per or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

# This is not a Court Order.

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С	neck the orders you want. 🛛				
	Personal Conduct Orders				
	ask the court to order the person in (2) <b>not</b> to do any of the following things to me or to any person to be protected listed in (3):				
a.	Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.				
b.	Contact the person, either directly or indirectly, in <b>any</b> way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.				
c.	Other (specify):				
	Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Other Personal Conduct Orders," for a title.				
	unless the court finds good cause not to make the order. Stay-Away Orders				
	unless the court finds good cause not to make the order.         Stay-Away Orders         I ask the court to order the person in (2) to stay at least yards away from (check all that apply):				
	unless the court finds good cause not to make the order.         Stay-Away Orders         I ask the court to order the person in (2) to stay at least yards away from (check all that apply):         (1) [] Me.       (8) [] My vehicle.				
	Stay-Away Orders         I ask the court to order the person in (2) to stay at least yards away from (check all that apply):         (1) Me.       (8) My vehicle.         (2) The other persons listed in (3).       (9) Other (specify):				
	unless the court finds good cause not to make the order.         Stay-Away Orders         I ask the court to order the person in 2 to stay at least yards away from (check all that apply):         (1) Me.       (8) My vehicle.         (2) The other persons listed in 3.       (9) Other (specify):         (3) My home.				
	unless the court finds good cause not to make the order.         Stay-Away Orders         I ask the court to order the person in (2) to stay at least yards away from (check all that apply):         (1) Me.       (8) My vehicle.         (2) The other persons listed in (3).       (9) Other (specify):         (3) My home.				
	unless the court finds good cause not to make the order.   Stay-Away Orders   I ask the court to order the person in (2) to stay at least yards away from (check all that apply):   (1) Me.   (2) The other persons listed in (3).   (9) Other (specify):   (3) My home.   (4) My job or workplace.   (5) My school.				
	unless the court finds good cause not to make the order.   Stay-Away Orders   I ask the court to order the person in (2) to stay at least yards away from (check all that apply):   (1) Me.   (2) The other persons listed in (3).   (9) Other (specify):   (3) My home.   (4) My job or workplace.   (5) My school.				
a.	unless the court finds good cause not to make the order.   Stay-Away Orders   I ask the court to order the person in (2) to stay at least yards away from (check all that apply):   (1) Me.   (2) The other persons listed in (3).   (9) Other (specify):   (3) My home.   (4) My job or workplace.   (5) My school.   (6) My children's school.				

#### (10) Firearms (Guns), Firearm Parts, and Ammunition

Does the person in (2) own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition? Yes No I don't know

If the judge grants a protective order, the person in 2 will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in 2 will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession or control.

11	<b>Temporary Restraining Order</b> I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form CH-110, <i>Temporary Restraining Order</i> , for the court's signature together with this <i>Request</i> .							
	Ha	Has the person in (2) been told that you were going to go to court to seek a TRO against him or her? $\square$ Yes $\square$ No (If you answered no, explain why below):						
		Check here if there is not enough space for your answer. Put your complete answer on paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for						
(12)		Request to Give Less Than Five Days' Notice of Hearing						
	coi	ou must have your papers personally served on the person in $(2)$ at least five days before ourt orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of P H-200, Proof of Personal Service, may be used to show the court that the papers have bee	ersonal Service"? Form					
	If	you want there to be fewer than five days between service and the hearing, explain why l	below:					
		Check here if there is not enough space for your answer. Put your complete answer on paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Da	e e					
(13)		No Fee for Filing or Service						
)	a.	☐ There should be no filing fee because the person in (2) has used or threatened to us has stalked me, or has acted or spoken in some other way that makes me reasonably						
	b.	☐ The sheriff or marshal should serve (notify) the person in ② about the orders for fr for orders is based on unlawful violence, a credible threat of violence, or stalking.	ee because my request					
	c.	□ There should be no filing fee and the sheriff or marshal should serve the person in ( am entitled to a fee waiver. (You must complete and file form FW-001, Application Fees and Costs .)	0					
(14)		] Lawyer's Fees and Costs						
$\bigcirc$		I ask the court to order payment of my 🗌 lawyer's fees 🗌 Court costs.						
		The amounts requested are:						
		<u>Item Amount Item</u> \$	<u>Amount</u> \$					
		\$	\$					
		\$	\$					
		Check here if there are more items. Put the items and amounts on the attached shee	t of paper or form					
		<i>MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.</i>	i oj puper or jorni					
		This is not a Court Order.						

#### **15** Dessession and Protection of Animals

I ask the court to order the following:

a. 
 That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
 *(Identify animals by, e.g., type, breed, name, color, sex.)*

I request sole possession of the animals because (specify good cause for granting order):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

b. That the person in 2 must stay at least yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

/	\     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \     \
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#### □ Additional Orders Requested

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

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

**17**) Number of pages attached to this form, if any:

*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:

*Type or print your name* 

Sign your name

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

# What is a civil harassment restraining order?

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

# Can I get a civil harassment restraining order?

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

- Is harassing you
- Is stalking you
- · Has committed acts of violence against you, or
- · Has threatened you with violence

#### How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

For more information about the items a restrained person cannot have, please see <u>https://selfhelp</u>. .courts.ca.gov/restraining-orders/prohibited-items.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form <u>DV-100</u>.

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

If you need these remedies, you must file a civil action.

# How much does it cost?

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

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

#### What forms do I need to get the order?

You must fill out all of form <u>CH-100, Request for Civil</u> Harassment Restraining Orders, and form <u>CLETS-001,</u> <u>Confidential CLETS Information</u>. If you need attachments, you may use form <u>MC-025</u>. You must also fill out items 1 and 2 on form <u>CH-109, Notice of Court</u> <u>Hearing</u>, and items 1, 2, and 3 on form <u>CH-110,</u> <u>Temporary Restraining Order (CLETS-TCH)</u>.

#### Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

#### What do I need to do to get the order?

You must go to the superior court in the county where the harassment took place or the person to be restrained lives. At the court, ask where you should file your request for a civil harassment restraining order. (A selfhelp center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

# **CH-100-INFO** Can a Civil Harassment Restraining Order Help Me?

#### How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed Notice of Court Hearing and Temporary Restraining Order.

#### How long does the order last?

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

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

Someone age 18 or older—not you or anyone else to be protected by the order—must "serve" (give) the person to be restrained a copy of the order. The server must then fill out form CH-200, Proof of Personal Service, and give it to you to file with the court. For help with service, ask the court clerk for form CH-200-INFO, What Is "Proof of Personal Service?"

#### What if the restrained person does not obey the order?

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

#### Do I have to go to court?

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

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

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property

• Threatening letters, emails, or telephone messages The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030, Declaration, for this.)

#### Do I need a lawyer?

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

#### Will I see the restrained person at the court hearing?

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

#### Can I bring someone with me to court?

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

Person Seeking Protection         a. Your Full Name:         Your Lawyer (if you have one for this case):         Name:	
a. Your Full Name: Your Lawyer (if you have one for this case): Name:State Bar No.: Firm Name:	
Your Lawyer (if you have one for this case): Name:State Bar No.: Firm Name:	
Name:State Bar No.: Firm Name:	
Name:State Bar No.:	
b. Your Address (If you have a lawyer, give your lawyer's in,	formation.
If you do not have a lawyer and want to keep your home ad	
private, you may give a different mailing address instead. I have to give telephone, fax, or e-mail.):	You do not Superior Court of California, County o
Address:	
City: State: Zip:	· · · · · · · · · · · · · · · · · · ·
Telephone: Fax:	
E-Mail Address:	Court fills in case number when form is filed.
E-Mail Address.	Court hils in case number when form is hied.
Notice of Hearing A court hearing is scheduled on the request for restr	raining orders against the person in②: me and address of court if different from above:
Date Dept.: Room:	
Temporary Restraining Orders (Any orders granted a a. Temporary Restraining Orders for personal conduct and st Request for Civil Harassment Restraining Orders, are (che (1) All GRANTED until the court hearing.	ay-away orders as requested in Form CH-100,
a. Temporary Restraining Orders for personal conduct and sta Request for Civil Harassment Restraining Orders, are (che	ay-away orders as requested in Form CH-100, cck only one box below):

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for* Court.

#### Information about the process is also available online.

See <u>https://selfhelp.courts.ca.gov/CH-restraining-order</u>.

#### For help in your area, contact:

[Local information may be inserted.]

#### What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>www.courts.ca.gov</u> /selfhelp-interpreter.htm.

#### Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

#### DRAFT

#### 8/17/2022

Not approved by the Judicial Council

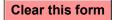
Rev. January 1, 2023

Can a Civil Harassment Restraining Order Help Me? (Civil Harassment Prevention)

CH-100-INFO, Page 3 of 3

For your protection and privacy, please press the Clear This Form button after you have printed the form.

16 **Print this form** Save this form



С	H-109	Notice of Court Hearing	Clerk stamps date here when form is filed.
/	<b>erson Seekir</b> Your Full Narr	e:	DRAFT 8/17/2022
	Your Lawyer (	if you have one for this case):	
		State Bar No.:	Not approved by
	Firm Name:		the Judicial Council
b.	you do not hav	(If you have a lawyer, give your lawyer's in e a lawyer and want to keep your home add different mailing address instead. You do r fax, or email.)	ress private, Superior Court of California. County of
	Address:		
	City:	State: Zip	:
		Fax:	Court fills in case number when form is filed.
	Email Address	:	Case Number:

The court will complete the rest of this form.

### 3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

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

**4**) **Temporary Restraining Orders** (Any orders granted are on form CH-110, served with this notice.)

- a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders,* are (check only one box below):
  - (1)  $\square$  All **GRANTED** until the court hearing.
  - (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
  - (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

- b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:
  - (1) The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in (1) and caused substantial emotional distress.
  - (2)  $\Box$  Other *(specify):*  $\Box$  As set forth on Attachment 4b.

#### 5) Confidential Information Regarding Minor

- a. A Request to Keep Minor's Information Confidential (form CH-160) was made and **GRANTED**. (See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described in item (7) on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalities.

#### **6**) Service of Documents for the Person in (1)

At least 🗌 five 🔲	days before the hearing, someone age 18 or older-not you or anyone to be
protected—must personally give	e (serve) a court's file-stamped copy of this form CH-109 to the person in $(2)$
along with a copy of all the form	is indicated below:

- a. CH-100, Request for Civil Harassment Restraining Orders (file-stamped)
- b. CH-110, Temporary Restraining Order (file-stamped) IF GRANTED
- c. CH-120, Response to Request for Civil Harassment Restraining Orders (blank form)
- d. CH-120-INFO, How Can I Respond to a Request for Civil Harassment Restraining Orders?
- e. CH-250, Proof of Service by Mail (blank form)
- f. CH-170, Notice of Order Protecting Information of Minor and CH-165, Order on Request to Keep Minor's Information Confidential (file-stamped) **IF GRANTED**

g. Other (specify):

Date:

Rev. January 1, 2023

Judicial Officer

Case Number:

### To the Person in 1:

- The court cannot make the restraining orders after the court hearing unless the person in (2) has been personally given (served) a copy of your request and any temporary orders. To show that the person in (2) has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, What Is "Proof of Personal Service"?
- If you are unable to serve the person in (2) in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

### To the Person in **2** :

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition that you own or possess.



#### **Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(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]

Clerk, by \_\_\_\_\_, Deputy

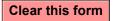
Rev. January 1, 2023

CH-109, Page 3 of 3

(Civil Harassment Prevention)

Notice of Court Hearing

Print this form Save this form



CH-110	<b>Temporary Res</b>	straining	order	r	Clerk stamps o	late nere when to	onn is nieu.
<u> </u>	complete items (1), (2)	), and $(3)$ or	nly.			DRAFT	
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Your Lawyer (	if you have one for this	case):			N	ot approve	d by
Name:		State I	Bar No.:			Judicial C	-
Firm Name:					_		
	If you have a lawyer, g						
private, you me	ave a lawyer and want i iy give a different maili ephone, fax, or email.)	ing address				ne and street add ourt of Califorr	
City:		State:	Zip:				
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Email Address	: 				Court fills in ca	se number when	form is filed
<b>Restrained Per</b>	son				Case Numb	er:	
*Full Name:	the California police a	iaiabase. 1j	uge is unk	*Age:	,	e of Birth:	
				Age.	Date	$\sim 01 \text{ DHm}$	
*Race:	Height:		eight:		Color:	E of Bitti Eye Co	olor:
*Race: *Gender: M City:		Home Ad	·				olor:
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(Civil Harassment Prevention) 20

Case Number:

### To the Person in 2 :

The court has granted 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 be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

(5)	Personal Conduct Orders
$\bigcirc$	Not Requested Denied Until the Hearing Granted as Follows:
	<ul> <li>a. You must <b>not</b> do the following things to the person named in (1)</li> <li>and to the other protected persons listed in (3):</li> </ul>
	<ul> <li>(1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.</li> <li>(2) Contact the person, either directly or indirectly, in <b>any</b> way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.</li> </ul>
	<ul> <li>(3) □ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.</li> <li>(4) □ Other (<i>specify</i>):</li> <li>□ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).</li> </ul>
	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. However, you may have your papers served by mail on the person in 1.

#### Stay-Away Order

🚽 🔲 Not Requested 🔲 Denied Unti	il the Hearing 🛛 Granted as Follows:
a. You must stay at least yards a	away from (check all that apply):
<ul> <li>(1) □ The person in ①</li> <li>(2) □ Each person in ③</li> </ul>	<ul><li>(7)</li></ul>
(3) $\Box$ The home of the person in (1)	(8) $\square$ The vehicle of the person in (1)
(4) $\square$ The job or workplace of the person in (1)	(9) $\Box$ Other (specify):
(5) $\Box$ The school of the person in (1)	
(6) $\Box$ The school of the children of the person in (1)	

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

#### No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

b. Pr	ohibited items are:
(1	) Firearms (guns);
(2	) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531); and
(3	) Ammunition.
c. Y	ou must:
(1	) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 that all your prohibited items have been turned in, sold, or stored. (You may use <i>Receipt for Firearms, Firearm Parts, and Ammunition</i> (form CH-800) for the receipt.)
d. [	] The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
8 Pos	session and Protection of Animals
	Not Requested   Denied Until the Hearing  Granted as Follows (specify):
a. 🗌	The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. <i>(Identify animals by, e.g., type, breed, name, color, sex.)</i>
b. [	The person in 2 must stay at least yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.
9 Othe	er Orders
$\bigcirc$	Not Requested Denied Until the Hearing Denied as Follows (specify):
□ A	dditional orders are attached at the end of this Order on Attachment 9.
	To the Person in <b>1</b> :
10 Man	datory Entry of Order Into CARPOS Through CLETS
	Order must be entered into the California Restraining and Protective Order System (CARPOS) through the ornia Law Enforcement Telecommunications System (CLETS). <i>(Check one):</i>
a. 🗌	] The clerk will enter this Order and its proof-of-service form into CARPOS.
b. 🗌	The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
	This is a Court Order.

Rev. January 1, 2023

c.  $\Box$  By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

	Name of Law Enforcement Agency <u>Address (City, State, Zip)</u>
	Additional law enforcement agencies are listed at the end of this Order on Attachment 10.
(11)	No Fee to Serve (Notify) Restrained Person Ordered Not Ordered Not Ordered The sheriff or marshal will serve this Order without charge because:
	a. 🗌 The Order is based on unlawful violence, a credible threat of violence, or stalking.
	b. $\Box$ The person in $\textcircled{1}$ is entitled to a fee waiver.
(12)	Number of pages attached to this Order, if any:
Ŭ	Date:
	Judicial Officer

#### Warnings and Notices to the Restrained Person in 2

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (7) above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, Notice of Court Hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item(2).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, How Can I Respond to a Request for Civil Harassment Restraining Orders?, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, Response to Request for Civil Harassment Restraining Orders, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in (1).

- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service 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.courts.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, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

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

#### Arrest Required if Order Is Violated

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

#### Notice/Proof of Service

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

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

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

#### If the Protected Person Contacts the Restrained Person

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

#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
- 3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate [seal] -Clerk's Certificate

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

Rev. January 1, 2023 Temporary	Temporary Restraining Order (CLETS-TCH)			
(C	ivil Harassment Prev	vention)		
For your protection and privacy, please press the Clear	25			
This Form button after you have printed the form.	Print this form	Save this form	Clear this form	

		Response to I	Request for Civi	il	Clerk stamps date here when form is filed.
	CH-120	-	Restraining Orde		
Use		espond to the Red I Respond to a Reques	<b>quest (form CH-10</b> t for Civil Harassment	0)	DRAFT
	-	<i>ders?</i> (form CH-120-IN m and take it to the cou	JFO) to protect your rig	hts.	8/17/2022
	• Have someone	age 18 or older— <b>not y</b>	ou—serve the person in		Not approved by
			of this form and any att	ached	the Judicial Council
(1)	Person Seeki	<i>m CH-250,</i> Proof of Se n <b>a Protection</b>	rvice by Mail.)		
$\bigcirc$		-	see form CH-100, item	<b>(1</b> ):	Fill in court name and street address:
			-		Superior Court of California, County of
2	<b>Person From</b> a. Your Name:	Whom Protection	Is Sought		_
		(if you have one for thi			
	Name: Firm Name:		State Bar No.:		-
		(If you have a lawyer	give your lawyer's info	rmation	Court fills in case number when form is filed.
	If you do not i private, you n	have a lawyer and wan	t to keep your home add ling address instead. Y	dress	Case Number:
	Address:	, <u>.</u> ,	/	Present	your response and any opposition at the
	City:	State:	Zip:		Write your hearing date, time, and place
	Telephone:		Fax:		m CH-109 item (3) here: → Date: Time:
	Email Addres	s:		Hearing Date	Date:         Time:           Dept.:         Room:
3	Personal C	onduct Orders			
0	a. 🗌 I agree to	the orders requested.			vere served with a Temporary ning Order, you must obey it until the
		gree to the orders reque		hearing	. At the hearing, the court may make
	(Specify w	hy you disagree in item	n (11) on page 3.)	orders ag	gainst you that last for up to five years.
	c. I agree to	the following orders (S	pecify below or in item	(11) on pag	ge 3.)
(4)	□ Stay-Away	Orders			
$\bigcirc$	a. I agree to	the orders requested.			
	b. 🗌 I do not ag	gree to the orders reque	sted. (Specify why you	disagree ii	n item (1) on page 3.)
	c. I agree to	the following orders (sp	pecify below or in item(	11) on pag	ge 3):
5	☐ Additional	Protected Person	S		
$\bigcirc$			_	) may be n	protected by the order requested.
	- 0	*	<u> </u>	•	ay be protected by the order requested.

Judicial Council of California, *www.courts.ca.gov* Rev. January 1, 2023, Mandatory Form Code of Civil Procedure, §§ 527.6 and 527.9 Response to Request for Civil Harassment Restraining Orders (Civil Harassment Prevention) CH-120, Page 1 of 4 →

#### 6) Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition. (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any of those items in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form CH-800) for the receipt.

a. 🗌 I do not own or control any firearms (guns), firearm parts, or ammunition.

b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):* 

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form *MC-025*, Attachment.

c. I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt  $\Box$  is attached.  $\Box$  has already been filed with the court.

#### 7) Possession and Protection of Animals

- a.  $\Box$  I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)
- c. I agree to the following orders (specify below or in item (1) on page 3):

#### 8) 🗌 Other Orders

- a.  $\Box$  I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)
- c.  $\square$  I agree to the following orders (specify below or in item (11) on page 3):



#### Denial

I did not do anything described in item (7) of form CH-100. (Skip to (1).)

Rev. <mark>Jan</mark> ı	Response to Request for Civil Harassment Restraining Orders	<b>CH-120,</b> Page 3 of 4
	of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form M	
	Explain your answers to each order requested that you do not agree with.  Check here if there is not enough space below for your answer. Put your complete answer	er on an attached sheet
11	□ Reasons I Do Not Agree to the Orders Requested	
	Check here if there is not enough space below for your answer. Put your complete answe of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form	

(10)  $\Box$  Justification or Excuse

#### (12) 🗌 No Fee for Filing

- a. I request that I not be required to pay the filing fee because the person in (1) claims in form CH-100 item (13) to be entitled to free filing.
- b. I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001*, Request to Waive Court Fees, *must be filed separately*.)

#### (13) Lawyer's Fees and Costs

a.	I ask the court to order payment	t of my	Lawyer's fees	Court costs.		
	The amounts requested are:					
	Item	Amount	<u>It</u>	em		Amount
		\$			\$	
		¢			¢	

Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

**14**) 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:

*Type or print your name* 

Sign	your	name

	o Request for Civil Harassment Restraining Orders ril Harassment Prevention)	<b>CH-120,</b> Page 4 of 4
For your protection and privacy, please press the Clear This Form button after you have printed the form.	Print this form Save this form	Clear this form

#### What is a civil harassment restraining order?

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

#### What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect For more information about the items you would not be allowed to have, please see https://selfhelp .courts.ca.gov/restraining-orders/prohibited-items.

#### Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, or
- Threatened with violence

#### I've been served with a request for civil harassment restraining orders. 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 agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form CH-120, Response to Request for Civil Harassment Restraining Orders, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. Forms may also be at your local courthouse or county law library.

Judicial Council of California, www.courts.ca.go
Rev. January 1, 2023, Optional Form
Code of Civil Procedure, § 527.6

How Can I Respond to a Request for Civil Harassment Restraining Orders? (Civil Harassment Prevention)

30

#### What if I don't obey the order?

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

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

Yes. Have someone age 18 or older-not you-mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form CH-250, Proof of Service 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 CH-109, Notice of Court Hearing. If you do not go to the hearing, the judge can make of ders against you without hearing from you.

С	H-109 Notice of	of Court Hearing	Clerk stamps date here when form is filed.
	erson Seeking Protectic Your Full Name:	n /	
	Your Lawyer (if you have on	e for this case):	-
	Name:	State Bar No.:	_
b.		lawyer, give your lawyer's information.	-
	private, you may give a differ have to give telephone, fax, o		Fill in court name and street address: Superior Court of California, County o
	Address:	State: Zip:	-
	Telephone:	ax:	_
	E-Mail Address:	/	Court fills in case number when form is filed.
			Case Number:
No	otice of Hearing	the court will complete the rest of this fo	orm.
A	Hearing → Date:	d on the request for restraining orc Name and addu	
A	court hearing is schedule	d on the request for restraining or Name and addr	ters against the person in(2):
а , [1 ) Те	court hearing is schedule tearing Date: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.: Dept.:	d on the request for restraining ord Name and addr Time: Room: rdere (.1ny orders granted are on Form to for personal conduct and stay-away ord t Restraining Orders, are (check only one	ders against the person in(2): ess of court if different from above: 
а , [1 ) Те	court hearing is schedule tearing Date: Date: Dept.: comporary Restraining Orde Request for Civil Harassmen (1) All GRANTED until tl (2) All DENIED until the component of the component	d on the request for restraining ord Name and addr Time: Room: releve (Any orders granted are on Form to for personal conduct and stay-away ord Restraining Orders, are (check only one l the court hearing.	ders against the person in (2): ess of court if different from above: 

CH-120-INFO, Page 1 of 2

# CH-120-INFO

#### 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 at the hearing can last for up to five years.

#### Do I need a lawyer?

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

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

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney 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 <u>MC-030</u> for this.

# Information about the process is also available online.

See <u>https://selfhelp.courts.ca.gov/CH-restraining-order</u>.

#### For help in your area, contact:

[Local information may be inserted.]

#### What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>www.courts.ca.gov/</u> <u>selfhelp-interpreter.htm</u>.

#### What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have one of those items in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

# Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, <u>Disability Accommodation Request</u>, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-</u> <u>INFO, How to Request a Disability Accommodation for</u> <u>Court</u>.

DRAFT 8/17/2022 Not approved by the Judicial Council

		Civil Harassment Order After Hearin	-	9	Clerk stamps date here when form is filed.
)	Person in ① must co Protected Perso	pmplete items(1), (2), and	d (3) only.		DRAFT
	a. Your Full Name:			8/17/2022	
		ou have one for this case			Not approved by the Judicial Council
		vou have a lawyer, give y	our lawver's info	ormation	
	If you do not have private, you may y have to give telep	a lawyer and want to kee give a different mailing ac hone, fax, or email.)	ep your home add ddress instead. Y	dress Tou do not	Fill in court name and street address: Superior Court of California, County o
		Sta			
		Fax			
	Restrained Perso				
)		tion you know. Informatio	on with a star (*)	is required	Case Number:
		he California police data	. ,	-	
	give an estimate.)	<i>y</i> 1	, 0		
	*Full Name:			*Age:	Date of Birth:
	_				Color: Eye Color:
		F Nonbinary H			
	City:		State:	Zıp:	
	Relationship to Pro	tected Person:			
)	Additional Pro	tected Persons			
/		son named in $(1)$ , the foll	owing family or	household	members of that person are protected b
	Ful	Name	Gender Age	Lives w	vith you? How are they related to you
				☐ Yes	
				$\square$ Yes	
				$ \Box$ res	
					3 🗌 No
	Additional Protect	e are additional persons. ted Persons" as a title. Y or any award of lawyer's	ou may use form		neet of paper and write "Attachment 3- Attachment.
)	ins oraci, cacepi p				
)	Time:	a.m. 🗌 p.m.	. 🗌 midnight or	n <i>(date):</i> _	
	Time:	s written here, this Order	_	ars from the	e date of issuance.

(Civil Harassment Prevention)

Case Number:

#### 5) Hearing

a.	There was a hearing on <i>(date)</i> :	at <i>(time)</i> :	in Dept.:	Room:
	(Name of judicial officer):		made the orders	s at the hearing.
b.	These people were at the hearing:			
	(1) $\Box$ The person in (1). (3) $\Box$ The	lawyer for the person in (	<b>1</b> (name):	
	(2) $\Box$ The person in (2). (4) $\Box$ The	lawyer for the person in (	<b>2</b> (name):	
	Additional persons present are listed	at the end of this Order o	on Attachment 5.	
c.	☐ The hearing is continued. The partie	s must return to court on	(date):	at <i>(time)</i> :

### To the Person in 2:

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

#### 6) 🗆 Personal Conduct Orders

- a. You must **not** do the following things to the person named in  $\bigcirc$ 
  - $\square$  and to the other protected persons listed in (3):
  - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
  - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
  - (4)  $\Box$  Other (specify):
    - $\Box$  Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

#### □ Stay-Away Orders

(1)  $\square$  The person in (1).

(2)  $\square$  Each person in (3).

a. You <b>must</b> stay at least yards away from <i>(check all that apply):</i>	
---------------------------------------------------------------------------------	--

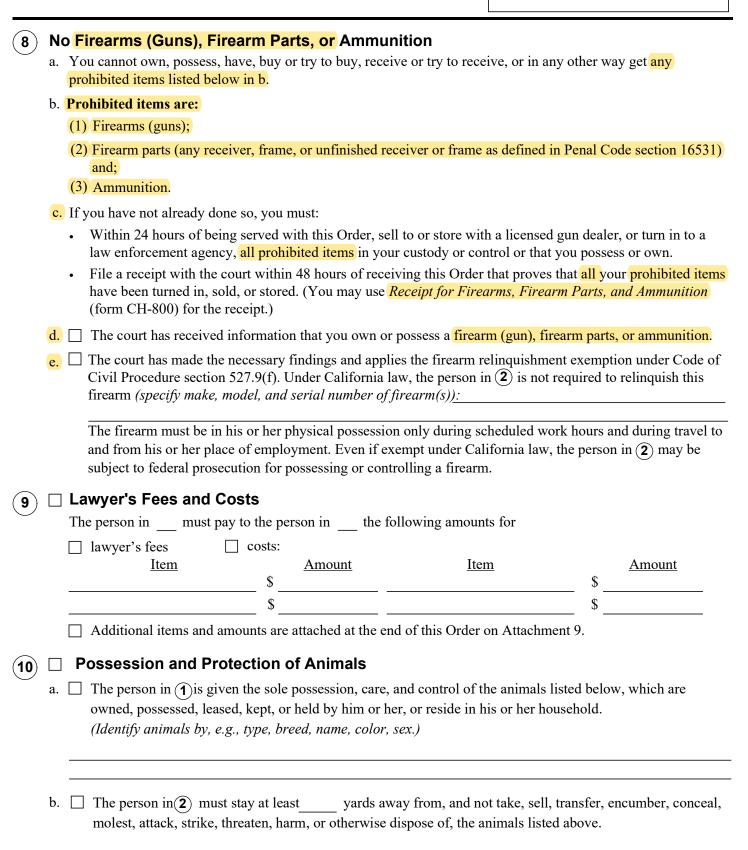
- (7)  $\Box$  The place of child care of the children of the person in (1).
- (3) □ The home of the person in ①.
  (4) □ The job or workplace of the person in ①.
  (5) □ The school of the person in ①.
  (6) □ The school of the children of the person in ①.
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

7

Civil Harassment Restraining Order After Hearing (CLETS-CHO) CH-130, Page 2 of 6

#### (Civil Harassment Prevention)



This is a Court Order.

Civil Harassment Restraining Order After Hearing (CLETS-CHO) CH-130, Page 3 of 6

(11) 
Other Orders (specify):

	Additional orders are attached at the end of this Order on Attachment 11.					
	To the Person in ①:					
2)	Mandatory Entry of Order Into CARPOS Through CLETS					
フ	This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). <i>(Check one)</i> :					
	a.  The clerk will enter this Order and its proof-of-service form into CARPOS.					
	b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.					
	c. D By the close of business on the date that this Order is made, the person in 1 or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:					
	Name of Law Enforcement AgencyAddress (City, State, Zip)					
3)	Additional law enforcement agencies are listed at the end of this Order on Attachment 12. Service of Order on Restrained Person					
2	a. $\Box$ The person in (2) personally attended the hearing. No other proof of service is needed.					
	b. $\Box$ The person in $(\widehat{2})$ did not attend the hearing.					
	<ul> <li>(1) Proof of service of form CH-110, <i>Temporary Restraining Order</i>, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person 2 must be served with this Order. Service may be by mail.</li> </ul>					
	<ul> <li>(2) The judge's orders in this form are different from the temporary restraining orders in form CH-110.</li> <li>Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.</li> </ul>					
.)	No Fee to Serve (Notify) Restrained Person					
9	The sheriff or marshal will serve this Order without charge because:					
	a.  The Order is based on unlawful violence, a credible threat of violence, or stalking.					
	b. $\Box$ The person in $\textcircled{1}$ is entitled to a fee waiver.					
)	Number of pages attached to this Order, if any:					
e	:					
	Judicial Officer					

This is a Court Order.

Civil Harassment Restraining Order After Hearing (CLETS-CHO) (Civil Harassment Prevention) CH-130, Page 4 of 6

→

### Warning and Notice to the Restrained Person in 2:

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless item 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (8) above. The court will require you to prove that you did so.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

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

#### Arrest Required If Order Is Violated

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

#### **Notice/Proof of Service**

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

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

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

#### If the Protected Person Contacts the Restrained Person

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

#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, § 6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
- 3. *Criminal Protective Order (CPO):* If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate [seal] (Clerk will fill out this part.) —Clerk's Certificate—

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

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

Rev. January 1, 2023 Civil Harassmer	nt Restraining C	order After Hea	ring	CH-130, Page 6 of 6
	(CLETS-CHO	)		
(Civi	il Harassment Prev	vention)		
For your protection and privacy, please press the Clear	37		_	
This Form button after you have printed the form.	Print this form	Save this form		Clear this form

### CH-200

Name:

Name:

3

Notice to Server

of form CH-100.

• Be 18 years of age or older.

• Not be listed in items (1) or (3)

The server must:

**Person Seeking Protection** 

### Proof of Personal Service

Clerk stamps date here when form is filed.

DRAFT	

8/15/2022

#### Not approved by the Judicial Council

Fill in court name and street address:

Court fills in case number when form is filed.

Case Number:

Superior Court of California, County of

•	Give a copy of all documents checked in $(4)$ to the person in $(2)$ .
	(You cannot send them by mail.) Then complete and sign this
	form and give or mail it to the person in $(1)$ .

#### PROOF OF PERSONAL SERVICE

$\frown$		$\sim$		-		
΄Λ`	I gave the <b>n</b>	erson in(2)	a copy of the	forms c	hecked below	•
+	1 Save me p		a copy of me	101110 0		•

Person From Whom Protection Is Sought

- a. CH-109, Notice of Court Hearing
- b. CH-110, Temporary Restraining Order
- c. CH-100, Request for Civil Harassment Restraining Orders
- d. CH-120, Response to Request for Civil Harassment Restraining Orders (blank form)
- e. CH-120-INFO, How Can I Respond to a Request for Civil Harassment Restraining Orders?
- f. CH-130, Civil Harassment Restraining Order After Hearing
- g. CH-250, *Proof of Service by Mail* (blank form)
- h. CH-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form)
- i.  $\Box$  Other (specify):

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

a. On ( <i>date</i> ):	b. At <i>(time)</i> : a.m.	p.m.
c. At this address:		
City:	State:	Zip:
Server's Information		
Name:		
Address:		
City:	State:	
Telephone:		
(If you are a registered process ser	ver):	
County of registration:	Registration num	nber:
I declare under penalty of perjury u correct.	under the laws of the State of California that th	ne information above is true and
Date:	\	
<i>Type or print server's name</i>	Server to sign here	
cial Council of California, <u>www.courts.ca.gov</u> January 1, 2023, Optional Form e of Civil Procedure, § 527.6	Proof of Personal Service (Civil Harassment Prevention)	<b>CH-200,</b> Page 1 o



For your protection and privacy, please press the Clear This Form button after you have printed the form.

Juc Re Co

> 38 Save this form Print this form

**Clear this form** 

	Ammunition	
Petitioner		DRAFT
Name:		- 8/15/2022
Restrained Person		Not approved by
a. Your Name:		the Judicial Council
Your Lawyer (if you ha		
	State Bar No.:	_
Firm Name:		Fill in court name and street address: Superior Court of California, Count
If you do not have a law private, you may give a have to give telephone,	ave a lawyer, give your lawyer's information. vyer and want to keep your home address different mailing address instead. You do not fax, or email.)	
		Court fills in case number when form is filed
Telephone:	State:         Zip:           Fax:	Case Number:
T 1 A 1 1		
<b>To the Restrained Pe</b> If a judge has ordered you unfinished receiver or fram judge that you have obeyed	to <mark>turn in, sell, or store</mark> your firearms (guns), fine as defined in Penal Code section 16531), and It heir orders. Take this form to a law enforcer	d ammunition, use this form to prove the ammunition of the second seco
<b>To the Restrained Pe</b> If a judge has ordered you unfinished receiver or fram judge that you have obeyed complete item <b>(4)</b> or <b>(5)</b> . For	e <b>rson:</b> to <mark>turn in, sell, or store</mark> your firearms (guns), fi ne as defined in Penal Code section 16531), an	d ammunition, use this form to prove the nent officer or a licensed gun dealer to your items, read form CH-800-INFC
<b>To the Restrained Pe</b> If a judge has ordered you unfinished receiver or fram judge that you have obeyed complete item (4) or (5). Fo <i>How Do I Turn In, Sell, or</i>	to turn in, sell, or store your firearms (guns), fine as defined in Penal Code section 16531), and their orders. Take this form to a law enforcer for more information on how to properly turn in <i>Store My Firearms, Firearm Parts, and Ammu</i>	d ammunition, use this form to prove the nent officer or a licensed gun dealer to your items, read form CH-800-INFC <i>unition</i> ?
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To the Restrained Pe If a judge has ordered you unfinished receiver or fram judge that you have obeyed complete item (4) or (5). Fo How Do I Turn In, Sell, or (Complete the section below Name of Law Enforcement Name of Law Enforcement Address: Telephone: Items Surrendered a. Firearms, firearm part Date: b. List of items (List all	to turn in, sell, or store your firearms (guns), fine as defined in Penal Code section 16531), and their orders. Take this form to a law enforcer for more information on how to properly turn in <i>Store My Firearms, Firearm Parts, and Ammu</i> To Law Enforcement www. Keep a copy and give the original to the penal Agency:	d ammunition, use this form to prove the nent officer or a licensed gun dealer to a your items, read form CH-800-INFC <i>unition</i> ? <i>mition</i> ? <i>mrson in</i> (2).) <i>m.</i> □ p.m. <i>u may attach a separate form from yo</i>
To the Restrained Pe If a judge has ordered you unfinished receiver or fram judge that you have obeyed complete item (4) or (5). Fo How Do I Turn In, Sell, or (Complete the section below Name of Law Enforcement Name of Law Enforcement Address: Telephone: Items Surrendered a. Firearms, firearm par Date: b. List of items (List all agency (e.g., a property)	erson:         to turn in, sell, or store your firearms (guns), fine as defined in Penal Code section 16531), and their orders. Take this form to a law enforcer for more information on how to properly turn in <i>Store My Firearms, Firearm Parts, and Ammu</i> To Law Enforcement         Or My Firearms, Firearm Parts, and Ammu         To Law Enforcement         ow, Keep a copy and give the original to the penal to th	d ammunition, use this form to prove the nent officer or a licensed gun dealer to a your items, read form CH-800-INFC <i>unition</i> ? <i>mition</i> ? <i>prson in</i> (2).) m. □ p.m. <i>u may attach a separate form from yo if you have attached a separate form</i> )

Case Number:

	To Licensed C	Gun Dealer			
(Complete the section below. Kee	ep a copy and give the orig	ginal to the person in $(2)$ .)			
Name of Licensed Gun Dealer:					
License number:					
Address:					
Telephone:	Ema	il Address:			
Items Stored or Sold					
a. Firearms, firearm parts, and	ammunition transferred o	n:			
Date:					
T 1 1 1 1 C	1 1 1 61 64		· ·	1 .	
I declare under penalty of perjurt true and correct. Signature of licensed gun dec	aler				
true and correct.  Signature of licensed gun der  List of Items Surrendere	aler				
true and correct. Signature of licensed gun de	aler	Serial Number,			T
true and correct.  Signature of licensed gun des  List of Items Surrendere  Firearms and firearm parts Make	aler ed Model	Serial Number, if there is one	Sold		T
true and correct.  Signature of licensed gun den  List of Items Surrendered  Firearms and firearm parts Make (1)	aler ed Model	Serial Number, if there is one	Sold		Т
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true and correct.  Signature of licensed gun dea  List of Items Surrendere  Firearms and firearm parts  Make (1) (2) (3) (4) (5)	aler	Serial Number, if there is one	Sold		T
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true and correct.  Signature of licensed gun dea  List of Items Surrendered  Firearms and firearm parts Make (1) (2) (3) (4) (5) (6) (6) (7)	<i>aler</i> ed Model	Serial Number, if there is one	Sold		To dest

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. *Write* "CH-800, item 6" at the top, and attach it to this form.

\_\_\_\_\_

(4)\_\_\_\_\_

(5)\_\_\_\_\_

\_\_\_\_\_

(3)

(6)

	<mark>les the items listed on page 2 or in an attached form,</mark> do you have or own any other firearms (guns), firearn , or ammunition?
	lo
	es (If yes, check one of the boxes below):
8	□ I filed a <i>Receipt for Firearms, Firearm Parts, and Ammunition</i> (form CH-800) or other proof for those items with the court on <i>(date)</i> :
ł	I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.
C	☐ I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. <i>(Explain why not):</i>
Υοι	r signature
	lare under penalty of perjury under the laws of the State of California that the information above is true and
Date	
Туре	or print your name Sign your name

• Keep a copy for yourself.

#### Note that failure to file a receipt with the court is a violation of the court's order.

Rev. <mark>January 1, 2023</mark>	<b>Receipt for Firearms, Firearm Parts, and</b>	CH-800, Page 3 of 3
	Ammunition	
	(Civil Harassment Prevention)	
	Print this <sup>1</sup> form Save this form	Clear this form

#### What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called "ghost guns"); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

## How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;
- OR
  - A licensed gun dealer, who can buy or store firearms. If you have firearm parts or ammunition, call ahead for more information.

### When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

### Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

#### Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for "Gun Dealers" or "Firearms Dealers" to find one. Make sure the dealer is licensed.

## Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

## How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

**Do not** bring firearms to court.

#### If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

## After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

## Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use <u>Receipt for</u> <u>Firearms, Firearm Parts, and Ammunition (form CH-800)</u> for this purpose.

#### Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

### Information about prohibited items and how to obey these orders is also available online.

See <u>https://selfhelp.courts.ca.gov/respond-to-CH-</u> restraining-order/obey-firearms-orders.

#### For help in your area, contact:

[Local information may be inserted.]

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2023, Optional Form Code of Civil Procedure, § 527.9 How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition? (Civil Harassment Prevention) CH-800-INFO, Page 1 of 1

Clear this form

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form

Petition for Private Postsecondary Clerk stamps date here when form is filed. SV-100 School Violence Restraining Orders DRAFT Read How do I Get a Private Postsecondary School Violence Restraining Order? (form SV-100-INFO) before completing this form. Also fill out 8/17/2022 Confidential CLETS Information (form CLETS-001) with as much information as you know. Not approved by the Judicial Council Petitioner (Educational Institution Officer or Employee) 1) a. Name: is Fill in court name and street address: the chief administrative officer Superior Court of California, County of 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). b. Lawyer for Petitioner *(if any for this case)* Court fills in case number when form is filed. 
 Name:
 \_\_\_\_\_\_

 State Bar No.:
 \_\_\_\_\_\_
 Case Number: Firm Name: c. Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.) Address: City: \_\_\_\_\_ State: \_\_\_ Zip: \_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_ Email Address: Student in Need of Protection 2 Full Name: Sex: [] M [] F Age: \_\_\_\_\_ **Respondent (Person From Whom Protection Is Sought)** 3) 
 Full Name:
 Age:
 Address (if known): City: \_\_\_\_\_ State: \_\_\_\_ Zip: \_\_\_\_\_ Additional Protected Persons 4 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?  $\Box$  Yes  $\Box$  No *(If yes, list them):* Full Name Sex Age Household Member? Relationship to Student □ Yes □ No \_\_\_\_\_ Yes 🗌 No \_\_\_\_\_ Yes \_\_\_ No Additional protected persons are listed in Attachment 4a. This is not a Court Order.

Judicial Council of California, www.courts.ca.gov Petition for Private Postsecondary School Violence Rev. January 1, 2023, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9 Restraining Orders

(Private Postsecondary School Violence Prevention)

		Case Number:
<b>4</b> <sup>b</sup>	b. Why do these people need protection? <i>(Explain):</i>	☐ Response is stated in Attachment 4b.
	Relationship of Student and Respondent a. How does the student know the respondent? (Describe):	Response is stated in Attachment 5a.
ł	<ul> <li>Respondent is is not a current student of petit expel, or otherwise discipline the respondent):</li> </ul>	ioner's institution. <i>(Explain any decision to retain,</i> Response is stated in Attachment 5b.
U a t	Venue Why are you filing in this county? (Check all that apply): a.  The respondent lives in this county. The respondent has caused physical or emotional injury C.  Other (specify):	y to the student in this county.
	Other Court Cases a. Has the student or any of the persons named in (4) been inv	volved in another court case with the respondent?
	□ No       □ Yes       (If yes, check each kind of case and ind Kind of Case       Filed in (ind)         (1)       □ Postsecondary School Violence	dicate where and when each was filed): County/State) Year Filed Case Number (if known)

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

### This is not a Court Order.

Petition for Private Postsecondary School Violence

SV-100, Page 2 of 6

#### **8** Description of Respondent's Conduct

- a. Respondent has (check one or more):
  - (1)  $\Box$  Assaulted, battered, or stalked the student.
- 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)  $\Box$  To have been carried out at the school campus or facility.
  - (2)  $\Box$  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.

This is not a Court Order.

Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention) SV-100, Page 3 of 6

Case Nu	mber:
---------	-------

8	f.	For any of the incidents described above, did the police come? 🗌 Yes 🗌 No 🔲 I don't know
$\bigcirc$		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):
		$\Box$ the student. $\Box$ the respondent. $\Box$ one or more of the persons in (4).
		(Attach a copy of the order if you have one.)
Che	ck	the orders you want. 🔽
9	Pe	ersonal Conduct Orders
$\bigcirc$	Ιa	sk the court to order the respondent <b>not</b> to do any of the following things to the student or to any person to be
	pro	otected listed in (4):
	a.	Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
	b.	☐ Make threats of violence against the person.
	c.	Follow or stalk the person during school hours or to or from the school campus or facility.
	d.	Contact the person, either directly or indirectly, by <b>any</b> means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
	e.	Enter the person's school campus or facility.
	f.	Other (specify):
		As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

### 👝 🗆 Stay-Away Order

a.	I ask the court to order the respondent to stay at least	yards away from (check all that apply):

- (1)  $\Box$  The student.
- (2)  $\Box$  The other persons listed in 4.
- (3)  $\Box$  The school.
- (4)  $\Box$  The student's home.
- (5)  $\Box$  The student's job or workplace.
- (6)  $\Box$  The school of the student's children.

(7)  $\Box$  The place of child care of the student's children.

- (8)  $\Box$  The student's vehicle.
- (9)  $\Box$  Other *(specify):*

Petition for Private Postsecondary School Violence

This is not a Court Order.

SV-100, Page 4 of 6

46

	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 on Attachment 10b.
<u>(</u> 1)	Firearm (Guns), Firearm Parts, and Ammunition
	Does the respondent own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition? ☐ Yes ☐ No ☐ I don't know
	If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession or control.
	<b>Temporary Restraining Order</b> I request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form SV-110, <i>Temporary Restraining Order</i> , for the court's signature together with this Petition.
	Has the Respondent been told that you were going to go to court to seek a TRO against him or her? Yes No (If you answered no, explain why below):
	Reasons are stated in Attachment 12.
	Deguaat for Lago Than Five Dava' Nation of Hearing
	□ Request for Less Than Five Days' Notice of Hearing 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:
	Reasons are stated in Attachment 13.

This is not a Court Order.

Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention) SV-100, Page 5 of 6

(14)		No Fee for Filing					
		I ask that there be no 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					
$\bigcirc$		I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.					
(16)		Court Costs					
$\bigcirc$		I ask the court to order the respondent to pay my court costs.					
(17)	7) 🗆 Additional Orders Requested						
$\bigcirc$		I ask the court to make the following additional orders (specify):					
	Additional orders requested are stated in Attachment 17.						
(18)	Nu	umber of pages attached to this form, if any:					
Ú	_						
	Da	te:					
	La	wyer's name (if any) Lawyer's signature					
		eclare under penalty of perjury under the laws of the State of California that the information above and on attachments is true and correct.					
	Da	te:					
	Na	me of petitioner Signature					
	Tit	le					
	I c	onsent to the filing of the Petition.					
	Da						
	Na	time of student Signature					
		This is not a Court Order.					
Rev. <mark>Jar</mark>	nuary	Petition for Private Postsecondary School Violence SV-100, Page 6 of 6					
		Restraining Orders					
		(Private Postsecondary School Violence Prevention)					
		48					

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

## What is a private postsecondary school violence protection order?

Under California law (Code Civ. Proc., § 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:

SV-100-INFO

- Harass or threaten the student;
- Contact or go near the student; and
- Have any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

For more information about the items a restrained person cannot have, please see <u>https://</u> <u>selfhelp.courts.ca.gov/restraining-orders/</u> prohibited-items.

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 <u>Can a Civil Harassment Restraining</u> Order Help Me? (form CH-100-INFO).

#### 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 the school official is 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.

SV-100-INFO, Page 1 of 4

#### What forms must be used to get the order?

The following forms are needed to start the process:

- 1. <u>Petition for Private Postsecondary School Violence</u> <u>Restraining Orders</u> (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. <u>Confidential CLETS Information (form CLETS-001)</u>. 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. <u>Temporary Restraining Order</u> (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. <u>Private Postsecondary School Violence Restraining</u> <u>Order After Hearing</u> (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. <u>*Proof of Personal Service* (form SV-200)</u>. 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?

You can get the forms from legal publishers or from the California Coutrst website at <u>www.courts.ca.gov</u> <u>/forms</u>. You also may be able to find them at your local courthouse or county law library.

#### 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 a lawyer, the respondent may have one.

## What steps are needed to get the court orders?

- 1. Fill in the **Petition** (<u>form SV-100</u>) 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** (form SV-100). You may use form MC-031, *Attached Declaration*.
- 3. Fill in *Confidential CLETS Information*, (form CLETS-001), 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 <u>SV-110</u> 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:
  - 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; or
  - (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).

SV-100-INFO

- 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. 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 is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to *www.courts.ca.gov/selfhelp-interpreter.htm.* 

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 <u>SV-200-INFO</u>, What Is <u>"Proof of Personal Service"?</u>

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 <u>SV-200</u>). 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.

#### DRAFT

#### 8/17/2022

#### NOT APPROVED BY THE JUDICIAL COUNCIL

# SV-100-INFO How Do I Get an Order to Prohibit Private Postsecondary School Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form SV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

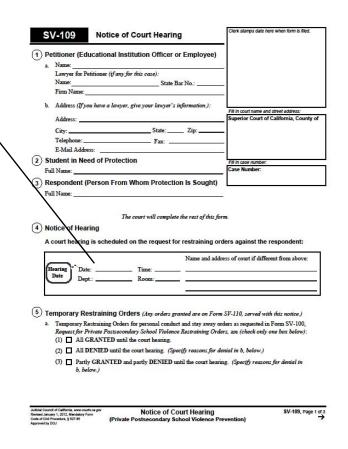
You can bring to the hearing:

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

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

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the student or to any other person seeking protection. If anyone is afraid, tell the court officer.

- 12. If the judge signs the **Order** (form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form SV-260, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form SV-200) with the court. Give a file-stamped copy of the **Order** and proof of service to your student and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.



15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for Court*.

#### For help in your area, contact:

[Local information may be inserted.]

### Information about the process is also

#### available online.

See https://selfhelp.courts.ca.gov/SV-restraining-order.

<b>Petitioner (Educational l</b> a. Name:	nstitution Officer or	Employee)	
			_
Lawyer for Petitioner (if any	÷ ,	-	
	State Bar 1	No.:	-
Firm Name:		·• )	-
b. Address (If you have a lawy		,	Fill in court name and street address:
Address:	States	7:	_ Superior Court of California, County
City:			-
Telephone: Email Address:	Fax:		-
			-
Student in Need of Prote	ection		Fill in case number:
Full Name:			Case Number:
			-
	m Whom Protoction		
Respondent (Person Fro		Is Sought)	
		Is Sought)	_
Respondent (Person Fro		ls Sought)	_
Respondent (Person Fro		ls Sought)	- - rm.
Respondent (Person Fro		ls Sought)	- rm.
Respondent (Person Fro Full Name: Notice of Hearing	The court will complete	<b>Is Sought)</b> the rest of this fo	
Respondent (Person Fro Full Name: Notice of Hearing	The court will complete	<b>Is Sought)</b> the rest of this fo	rm. lers against the respondent:
Respondent (Person Fro Full Name: Notice of Hearing	The court will complete	Is Sought) the rest of this for restraining ord	
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Respondent (Person Fro Full Name: Notice of Hearing A court hearing is schedul Hearing → Date:	The court will complete ed on the request for i	Is Sought) the rest of this for restraining ord Name and add	lers against the respondent: lress of court if different from above:
Respondent (Person Fro Full Name: Notice of Hearing A court hearing is schedul Hearing → Date:	The court will complete ed on the request for a	Is Sought) the rest of this for restraining ord Name and add	lers against the respondent: lress of court if different from above:

Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below):

- (1)  $\square$  All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b.	Reasons that Temporary Restraining Orders as requested in form SV-100, Petition for Private
	Postsecondary School Violence Restraining Orders, for personal conduct or stay-away are denied are:

- (1)  $\Box$  The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.
- (2)  $\Box$  Other *(specify):*  $\Box$  As stated on Attachment 5b.

#### 6 Service of Documents by the Petitioner

At least in five days before the hearing, someone age 18 or older—not you or anyone to be protected-must personally give (serve) a court file-stamped copy of this form SV-109, Notice of Court Hearing, to the respondent along with a copy of all the forms indicated below:

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

Date:

Judicial Officer

#### To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally ٠ given (served) a copy of your request 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. Use form SV-115, Request to Continue Court Hearing and to Reissue Temporary Restraining Order.

#### To the Respondent:

- If you want to respond to the request for orders in writing, file form SV-120, *Response to Request for Private Postsecondary School Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- 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 and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition that you own or possess.



#### **Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(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]

Date:

Clerk, by	 , Deput

Rev. January 1, 2023

Notice of Court Hearing (Private Postsecondary School Violence Prevention)

Print this form Save this form

### SV-110

### Temporary Restraining Order

Ρ	etitioner (Educational	Institution Officer or Employee)	DRAFT
a.	Name:		08/17/2022
	Lawyer for Petitioner (if a	<i>uny, for this case):</i>	
	Name:	State Bar No.:	Not approved by
	Firm Name:		the Judicial Council
b.	. Your Address (If you have	e a lawyer, give your lawyer's information.,	):
	Address:		— Fill in court name and street address:
	City:	State: Zip:	
	Telephone:		
	Email Address:		
s	tudent (Protected Per	rson)	
	•	3011/	
Р			Court fills in case number when form is filed.
	Respondent (Restraine	know. Information with a star (*) is require	Case Number:
	· ·	prnia police database. If age is unknown,	
	ive an estimate.)		
:	*Full Name:	<mark>(*</mark> Age	: Date of Birth:
	*Race:	Height: Weight: Ha	air Color: Eye Color:
		Nonhinemy II A 11	
		State: Zip:	
	Relationship to Protected F	Person:	
	Additional Protected		
	emporary orders indicated be	following family or household members or elow:	other students are protected by the
	Full Name	Gender Age Househol	Id Member? Relation to Student
		□ Yes	
			5 🗌 No
			5 🗌 No
	Additional protected perso	ons are listed at the end of this Order on Att	tachment 4.
	Additional protected perso	ons are listed at the end of this Order on Att	tachment 4.
Ε	xpiration Date		
Т	his Order expires at the end	l of the hearing scheduled for the date and	l time below:
	Date:	Time:	□ a.m. □ p.m.
	Date		

Judicial Council of California, *www.courts.ca.gov* Rev. January 1, 2023, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9 Approved by DOJ Temporary Restraining Order (CLETS-TSV) (Private Postsecondary School Violence Prevention)

→

Case Number:

### To the Person in 2 :

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 <ul> <li>Not Requested</li> <li>Denied Until the Hearing</li> <li>Granted as Follows:</li> </ul>
	<ul> <li>a. You are ordered <b>not</b> do the following things to the student</li> <li>and to the other protected persons listed in (4):</li> </ul>
	(1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
	<ul> <li>(2) Commit acts of violence or make threats of violence against the person.</li> <li>(2) Englisher at all the memory during school hours on to on from the school</li> </ul>
	<ul> <li>(3) □ Follow or stalk the person during school hours or to or from the school.</li> <li>(4) □ Contact the person, either directly or indirectly, in <b>any</b> way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.</li> </ul>
	(5) $\Box$ Enter the person's school.
	(6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
	(7) $\Box$ Other (specify):
	$\Box$ Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).
	<ul> <li>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. However, you may have your papers served by mail on the petitioner.</li> </ul>
(7)	Stay-Away Order
	Not Requested Denied Until the Hearing Granted as Follows:
	a. You must stay at least yards away from <i>(check all that apply):</i>
	(1) $\Box$ The student (7) $\Box$ The student's children's place of child care
	(2) $\Box$ Each other protected person listed in (4) (8) $\Box$ The student's vehicle
	(3) $\Box$ The school (9) $\Box$ Other (specify):
	(4) $\Box$ The student's home
	(5) The student's job or workplace
	(6)  The student's children's school

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.

Nc	Firearms (Guns), Firearm Parts, or Ammunition
	You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any
	prohibited items listed in b.
	Prohibited items are:
	(1) Firearms (guns);
	(2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 1653 and
	(3) Ammunition.
c. 7	You must:
	(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 that all your prohibited items have been turned in, sold, or stored. (You may use <i>Receipt for Firearms, Firearm Parts, and</i> <i>Ammunition</i> (form SV-800) for the receipt.)
d.	The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition
_	
Ot	her Orders Not Requested  Denied Until the Hearing  Granted as Follows (specify):
	Not Requested  Denied Until the Hearing  Granted as Follows (specify):
	Not Requested Denied Until the Hearing   Granted as Follows (specify):   Additional orders are attached at the end of this Order on Attachment 9. To the Person in ①:
□ □ □ Ma Thi	Not Requested       Denied Until the Hearing       Granted as Follows (specify):         Additional orders are attached at the end of this Order on Attachment 9.
Ma Thi Cal	Not Requested Denied Until the Hearing Granted as Follows (specify):   Additional orders are attached at the end of this Order on Attachment 9. To the Person in ①: Indatory Entry of Order Into CARPOS Through CLETS s Order must be entered into the California Restraining and Protective Order System (CARPOS) through the
Ma Thi Cal	Not Requested Denied Until the Hearing Granted as Follows (specify):   Additional orders are attached at the end of this Order on Attachment 9. To the Person in ①: Indatory Entry of Order Into CARPOS Through CLETS a Order must be entered into the California Restraining and Protective Order System (CARPOS) through the ifornia Law Enforcement Telecommunications System (CLETS). (Check one): The clerk will enter this Order and its proof-of-service form into CARPOS.
<b>Ma</b> Thi Cal	Not Requested       Denied Until the Hearing       Granted as Follows (specify):         Additional orders are attached at the end of this Order on Attachment 9.         To the Person in ①:         Indatory Entry of Order Into CARPOS Through CLETS         s Order must be entered into the California Restraining and Protective Order System (CARPOS) through the ifornia Law Enforcement Telecommunications System (CLETS). (Check one):         The clerk will enter this Order and its proof-of-service form into CARPOS.         The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
<b>Ma</b> Thi Cal a. b.	Not Requested       Denied Until the Hearing       Granted as Follows (specify):         Additional orders are attached at the end of this Order on Attachment 9.       Image: Comparison of the Person in Order 1000000000000000000000000000000000000

11)	No Fee to Serve (Notify) Restrained Person	Ordered	Not Ordered	
-----	--------------------------------------------	---------	-------------	--

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

- a.  $\Box$  The Order is based on a credible threat of violence or stalking.

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

Date:

Judicial Officer

#### Warnings and Notices to the Restrained Person in **3**

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (8) above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form SV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- 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 Workplace Violence Restraining Orders*, 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 threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. 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.courts.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, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

#### If the Protected Person Contacts the Restrained Person

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

#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, § 6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
- 3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(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:\_\_\_\_\_\_, Deputy

### SV-120

#### Response to Petition for Private Postsecondary School Violence Restraining Orders

<ul> <li>R</li> <li>V</li> <li>ri</li> <li>F</li> <li>H</li> <li>p</li> </ul>	ead <i>iolei</i> ghts ill o lave etitie	<b>is form to respond to the Petition (Form SV-100</b> <i>How Can I Respond to a Petition for Private Postsecondary</i> <i>nce Restraining Orders?</i> (form SV-120-INFO) to protect you a. ut this form and take it to the court clerk. someone age 18 or older—not you—serve the petitioner or to oner's lawyer by mail with a copy of this form and any attack a. (Use form SV-250, Proof of Service of Response by Mail.)	School ur he	8/17/2022 Not approved by the Judicial Council Fill in court name and street address: Superior Court of California, County of
1		etitioner (Educational Institution Officer or Emplorme:	oyee)	
( <b>2</b> )	St	udent Seeking Protection		
$\bigcirc$	Ful	ll Name:		Fill in case number:
3	<b>Re</b> a.	espondent (Person From Whom Protection Is So Your Name: Your Lawyer ( <i>if you have one for this case</i> ) Name: Firm Name:		Case Number:
	b.	Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.) Address: City:State:Zip: Telephone:Fax:	hearing. W from form Hearing Date If you we	Dept.: Room: re served with a Temporary
(4)	a.	Personal Conduct Orders I agree to the orders requested.	hearing. A	<b>ng Order, you must obey it until the</b> At the hearing, the court may make inst you that last for up to three years.
	b. с.	<ul> <li>I do not agree to the orders requested.</li> <li>(Specify why you disagree in item 1) on page 3.)</li> <li>I agree to the following orders (specify below or in item)</li> </ul>	1 on page	3):
5		Stay-Away Orders		

- a.  $\Box$  I agree to the orders requested.
- b.  $\Box$  I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)
- c.  $\Box$  I agree to the following orders (specify below or in item (1) on page 3):

SV-120, Page 1 of 4

Clerk stamps date here when form is filed.

DRAFT

6	□ a.	Ac	<b>dditional Protected Persons</b> I agree that the persons listed in item ( $4$ ) of the Petition may be protected by the order requested.
	b.		I do not agree that the persons listed in item $(4)$ of the Petition may be protected by the order requested.
7	If (gu 16 tu ho	you <mark>Ins),</mark> 531) rn in urs (	rms (Guns), Firearm Parts, and Ammunition were served with form SV-110, <i>Temporary Restraining Order</i> , you cannot own or possess any firearms , firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section ), or ammunition. (See item (8) of form SV-110.) You must sell to or store with a licensed gun dealer, or 1 to a law enforcement agency, any of those items in your immediate possession or control within 24 of being served with form SV-110. You must file a receipt with the court. You may use <i>Receipt for</i> <i>ms, Firearm Parts, and Ammunition</i> (form SV-800) for the receipt.
	a.		I do not own or control any firearms (guns), firearm parts, or ammunition.
	b.		I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. <i>(Explain):</i>
			Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.
	c.		I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. I has already been filed with the court.
(8)		Ot	ther Orders
0	<u>а</u> .		I agree to the orders requested.
	b.		I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)
	c.		I agree to the following orders <i>(specify below or in item</i> (1) <i>on page 3):</i>
9 Rev. Jai		I di	id not do anything described in item (8) of form SV-100. (Skip to (1).)
IVEN. Ja	nuary	1, 2023	Response to Petition for Private Postsecondary SV-120, Page 2 of S

#### (10) 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 "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

#### □ Reasons I Do Not Agree to the Orders Requested

Explain your answers to each order requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

Rev. January 1, 2023

(11)

SV-120, Page 3 of 4

→

a. $\Box$ I ask the court to w	aive the filing fee because the	ne petitioner claims in fo	orm SV-100 item (14) to be			
entitled to free filin		-	$\smile$			
	be required to pay the filing Waive Court Fees, <i>must be</i>		e for a fee waiver. (Form			
□ Costs						
a. I ask the court to or	der the petitioner to pay my	court costs. The amount	s requested are:			
Item	Amount	Item	Amount			
	\$		\$			
	\$					
	\$		\$			
Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.						
_	-					
	eny the request of the persor	asking for protection th	at I pay his or her lawyer's			
fees and costs						
fees and costs.						
fees and costs.						
	o this form if any <sup>.</sup>					
fees and costs. Number of pages attached t	o this form, if any:					
	o this form, if any:					
	o this form, if any:					
	o this form, if any:					
Number of pages attached t	o this form, if any:					
Number of pages attached t	o this form, if any:	•				
Number of pages attached t	o this form, if any:	Lawyer's signature				
Number of pages attached t Date:	o this form, if any:	•				
Number of pages attached t Date:	o this form, if any:	•				
Number of pages attached t Date: <i>Lawyer's name (if any)</i>		Lawyer's signature				
Number of pages attached t Date:		Lawyer's signature	he information above is true			
Number of pages attached t Date: <i>Lawyer's name (if any)</i>		Lawyer's signature	he information above is true			
Number of pages attached t Date: <i>Lawyer's name (if any)</i> I declare under penalty of p correct.		Lawyer's signature	he information above is true			
Number of pages attached t Date:		Lawyer's signature	he information above is true			
Number of pages attached t Date: <i>Lawyer's name (if any)</i> I declare under penalty of p correct.		Lawyer's signature	he information above is true			
Number of pages attached t Date: <i>Lawyer's name (if any)</i> I declare under penalty of p correct.		Lawyer's signature	he information above is true			

Rev. January 1, 2023

Response to Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention) SV-120, Page 4 of 4

## What is a private postsecondary school violence restraining order?

It is a court order that prohibits you from doing certain things and going 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 the student and the student's home, school and other places
- Not have any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect

For more information about the items you would not be allowed to have, please see <u>https://selfhelp</u> .courts.ca.gov/restraining-orders/prohibited-items.

## Who can ask for a private postsecondary school violence restraining 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 for private postsecondary school violence restraining orders. 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 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 Private Postsecondary School Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

#### What if I don't obey the order?

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

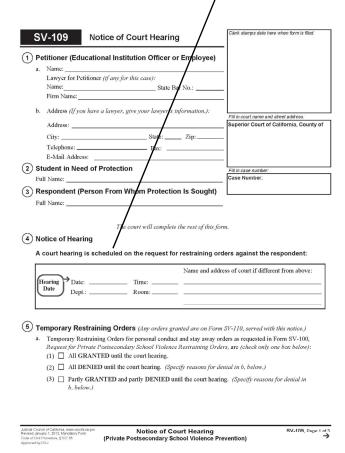
### Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form SV-120 to the person named in item ① of the petition form SV-110 (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 <u>SV-250</u>, *Proof of Service of Response by* <u>*Mail*</u>. 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 the hearing, the judge can make orders against you without hearing from you.



How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (Private Postsecondary School Violence Prevention)

# SV-120-INFO How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

#### 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 at the hearing can last for up to three years.

#### Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, courtappointed attorney. 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 that person's attorney 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 <u>MC-030</u> for this.

### Information about the process is also available online.

See <u>https://selfhelp.courts.ca.gov/SV-restraining-order</u>.

#### For help in your area, contact:

[Local information may be inserted.]

#### DRAFT

#### 8/17/2022

## Not approved by the Judicial Council

#### What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>www.courts.ca.gov/</u>selfhelp-interpreter.htm.

#### What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have one of those items in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

## Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the school official would have to file a request with the court to cancel the order.

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, <u>Disability Accommodation Request</u>, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-</u> <u>INFO</u>, *How to Request a Disability Accommodation for* <u>Court</u>.



#### Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

	Hearing	DRAFT	
1	Petitioner (Educational Institution Officer or Employee) a. Name:	08/17/2022	
	Lawyer for Petitioner (if any, for this case)         Name:       State Bar No.:	Not approved by the Judicial Council	
	Firm Name:	_	
	b. Your Address (If you have a lawyer, give your lawyer's information.) Address:	Fill in court name and street address: Superior Court of California, County of	
	City:         State:         Zip:	_	
	Telephone: Fax:	_	
	Email Address:	_	
$\bigcirc$	Student (Protected Person)	Court fills in case number when form is filed.	
	Full Name:	Case Number:	
	Respondent (Restrained Person)		
(3)	(Give all the information you know. Information with a star (*) is require database. If age is unknown, give an estimate.)	ed to add this order to the California polic	
	*Full Name:*Age	Date of Birth:	
	*Race: Height: Weight: Ha		
	City: State: Zip:		
	Relationship to Protected Person:		
4	Additional Protected Persons In addition to the student, the following family or household members or temporary orders indicated below: <u>Full Name</u> <u>Gender Age Househol</u> <u>Yes</u> <u>Yes</u> <u>Vac</u>	<u>d Member?</u> <u>Relation to student</u> ☐ No ☐ No	
	Additional protected persons are listed at the end of this Order on Att	achment 4.	
5	<b>Expiration Date</b> <i>This Order, except for any award of lawyer's fees, expires at</i>		
	Date: Time:	a.m p.m.	
	If no expiration date is written here, this Order expires three years from t	he date of issuance.	
	This is a Court Order.		
Rev. Jar	Council of California, www.courts.ca.gov Private Postsecondary School Vio		
	Civil Procedure, § 527.85 and 527.9 d by DOJ (Private Postsecondary School Violence Pi		

Case Number:

#### Hearing

a.	There was a hearing on <i>(date)</i> :	at <i>(time)</i> :	in Dept.:	Room:	
	(Name of judicial officer):		made the orders	at the hearing.	
b.	These people were at the hearing:				
	(1) $\Box$ The petitioner/school representative	e (name):			
	(2) $\Box$ The lawyer for the petitioner/school	l (name):			
	(3) $\Box$ The student (4) $\Box$ The law	wyer for the student ()	name):		
	(5) $\Box$ The respondent (6) $\Box$ The law	wyer for the responder	nt <i>(name):</i>		
	Additional persons present are listed at the end of this Order on Attachment 6b.				
c.	☐ The hearing is continued. The parties m	nust return to court on	(date):	at <i>(time):</i>	
	То	the Respondent:			
	court has granted the orders checke sted and charged with a crime. You n	-	•		

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.

#### **Personal Conduct Orders** 7)

- a. You are ordered **not** do the following things to the student
  - and to the other protected persons listed in (4):
  - (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2) Commit acts of violence or make threats of violence against the person.
  - (3)  $\Box$  Follow or stalk the person during school hours or to or from the school.
  - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (5)  $\square$  Enter the person's school.
  - (6)  $\Box$  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7)  $\Box$  Other (specify):  $\Box$  Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

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.

#### This is a Court Order.

→

#### ) Stay-Away Orders

a.	You <b>must</b> stay at least yards away from ( <i>check all that apply</i> ):				
	(1) $\square$ The student.	(7)	The student's children's place of child care.		
	(2) $\square$ Each other protected person listed in (4).	(8)	The student's vehicle.		
	(3) $\square$ The school.	(9)	Other (specify):		
	(4) $\Box$ The student's home.				
	(5) $\Box$ The student's job or workplace.				
	(6) $\Box$ The student's children's school.				
b.	This stay-away order does not prevent you from g	oing to o	r from your home or place of employment.		

### 9 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

#### b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531); and

#### (3) Ammunition.

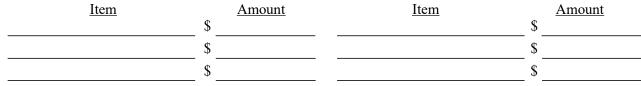
c. If you have not already done so, you must:

- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form SV-800) for the receipt.)
- d. 🗌 The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (3) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (3) may be subject to federal prosecution for possessing or controlling a firearm.

# 10 Costs

You must pay the following amounts for costs to the petitioner:



Additional amounts are attached at the end of this Order on Attachment 10.

#### Other Orders (specify):

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

### To the Person in 1:

#### (12) Mandatory Entry of Order Into CARPOS Through CLETS

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

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

#### **13** Service of Order on Respondent

- a. 
  The respondent personally attended the hearing. No other proof of service is needed.
- b. 
  The respondent did not attend the hearing.
  - (1) Proof of service of form SV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2) The judge's orders in this form are different from the temporary restraining orders in form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

#### (14) No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**15** Number of pages attached to this Order, if any:

Date:

Judicial Officer

#### Warning and Notice to the Respondent:

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (9) above. The court will require you to prove that you did so.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

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

#### If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Private Postsecondary School Violence Restraining Order After Hearing (CLETS-SVO) (Private Postsecondary School Violence Prevention) 72

#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, § 6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
- 3. Criminal Protective Order (CPO): If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate [seal] (Clerk will fill out this part.) —Clerk's Certificate—

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

Date: Clerk, by , Deputy

#### Petitioner (Educational Institution Officer or Employee) DRAFT Name: 8/17/2022 Student in Need of Protection Name: Not approved by **Respondent (Person From Whom Protection Is Sought)** the Judicial Council Name: Notice to Server 4 Fill in court name and street address: The server must: Superior Court of California, County of • 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. **PROOF OF PERSONAL SERVICE** Court fills in case number when form is filed. Case Number: I gave the respondent a copy of the forms checked below: 5 a. SV-109, Notice of Court Hearing b. SV-110, *Temporary Restraining Order* c. SV-100, Petition for Private Postsecondary School Violence Restraining Orders d. SV-120, Response to Petition for Private Postsecondary School Violence Restraining Orders (blank form) e. SV-120-INFO, How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? f. SV-130, Private Postsecondary School Violence Restraining Order After Hearing g. SV-250, *Proof of Service by Mail* (blank form) h. SV-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form) i. Other (specify): I personally gave copies of the documents checked above to the respondent 6 b. At *(time)*: a. On *(date)*: At this address: c. City: State: Zip: Server's Information 7 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

**Proof of Personal Service** 

**SV-200** 

Judicial Council of California, *www.courts.ca.gov* Rev. January 1, 2023, Optional Form

Code of Civil Procedure, § 527.85, 1011

Clerk stamps date here when form is filed.

-	I Institution Officer or Employee)	DRAFT
Name:	otection	8/15/2022
Full Name:		– Not approved by
Respondent (Person F		
Your Name:		—
Your Lawyer <i>(if you have on</i> Name:		Fill in court name and street address:
Firm Name:	State Bar No.:	Superior Court of California, County
If you do not have a lawyer a private, you may give a diffe have to give telephone, fax, o	lawyer, give your lawyer's information. and want to keep your home address rent mailing address instead. You do not or email.):	
Address:	State: Zip:	Court fills in case number when form is filed.
City:		Case Number:
Telephone:	Fax:	
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To the Respondent: If a judge has ordered you to unfinished receiver or frame judge that you have obeyed to complete item 5 or 6. For <i>How Do I Turn In, Sell, or St</i> <i>(Complete the section below</i> ) Name of Law Enforcement Name of Law Enforcement Name of Law Enforcement Address: Telephone: Items Surrendered a. Firearms, firearm parts Date: b. List of items <i>(List all th</i> )	turn in, sell, or store your firearms (guns), as defined in Penal Code section 16531), a heir orders. Take this form to a law enforce more information on how to properly turn <i>tore My Firearms, Firearm Parts, and Amr</i> <b>To Law Enforcement</b> <i>v. Keep a copy and give the original to the p</i> Agency: Agent: Email Address: , and ammunition transferred on:	a.m.  p.m. You may attach a separate form from you

Receipt for Firearms, Firearm Parts, and Ammunition (Private Postsecondary School Violence Prevention)

Case Number:

	To Licensed G	2			
(Complete the section below. Keep	o a copy and give the orig	tinal to the person in $(3)$ .)			
Name of Licensed Gun Dealer:					
License number:					
Address:					
Telephone:	Ema	il Address:			
Items Stored or Sold					
a. Firearms, firearm parts, and a	mmunition transferred or	n:			
Date:	Time:	□ a.m. □ p.m.			
attached a separate form):         Separate form is attached         I declare under penalty of perjury         true and correct.         Signature of licensed gun deal	under the laws of the Sta	ate of California that the info	ormation a	above is	
List of Items Surrendere	d				
Firearms and firearm parts		Social Nymehon			т
Firearms and <mark>firearm parts</mark> Make	Model	Serial Number, if there is one	Sold	Stored	
Make		if there is one		Stored	
Make (1)				Stored	
Make (1) (2) (3)		if there is one		Stored	
Make (1) (2) (3) (4)		if there is one		Stored	
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Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)         (3)         (4)         (5)         (6)         Brand         (1)         (2)         (3)         (4)	Туре	if there is one	Sold		l des
Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)         (3)         (4)         (5)         (1)         (2)         (3)         (4)         (5)         (6)	<u>Type</u>	if there is one	Sold		Т

Rev. January 1, 2023

SV-800, Page 2 of 3

To the	Restrained Person:
	the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm ammunition?
🗌 No	
🗌 Yes (	(If yes, check one of the boxes below:)
a. 🗌	I filed a <i>Receipt for Firearms, Firearm Parts, and Ammunition</i> (form SV-800) or other proof for those items with the court on <i>(date)</i> :
b. 🗌	I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.
c. 🗌	I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. <i>(Explain why not):</i>

#### Your signature

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

Date:

Туре	or	print	your	name
------	----	-------	------	------

Sign your name

#### Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

#### What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame, or unfinished receiver or frame (also called "ghost guns"); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

# How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;
- OR
  - A licensed gun dealer, who can buy or store firearms. If you have firearm parts or ammunition, call ahead for more information.

### When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

# Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

#### Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for "Gun Dealers" or "Firearms Dealers" to find one. Make sure the dealer is licensed.

# Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

# How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

**Do not** bring firearms to court.

#### If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

# After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

# Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use <u>Receipt for</u> Firearms, Firearm Parts, and Ammunition (form SV-800) for this purpose.

#### Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

### Information about prohibited items and how to obey these orders is also available online.

See <u>https://selfhelp.courts.ca.gov/respond-to-SV-</u> restraining-order/obey-firearms-orders.

#### For help in your area, contact:

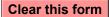
[Local information may be inserted.]

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2023, Optional Form Code of Civil Procedure, § 527.9 How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition? (Private Postsecondary School Violence Prevention) SV-800-INFO, Page 1 of 1

78

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form



	Petition for Work	place Violence	Clerk stamps date here when form is filed.
WV-100	Restraining Orde	-	
	Order to Prohibit Workplac		DRAFT
-	completing this form. NOT		8/17/2022
	tanding to bring this action on 527.8. Also fill out <i>Confid</i>		0/17/2022
	ETS-001) with as much inform		Not approved by
Petitioner (En	nployer)		the Judicial Council
a. Name:			
is a 🗌 con	poration 🗌 sole propi	rietorship	Fill in court name and street address:
$\Box$ (specify):			Superior Court of California, County of
and is filing th	nis suit on behalf of the empl	oyee identified in item <b>2</b> .	
b. Lawyer for Pe	etitioner (if any for this case)		
		State Bar No.:	_
Firm Name:			Court fills in case number when form is filed.
Petitioner's Addr	ess (If the petitioner has a la	wyer, give the lawyer's	Case Number:
information.)			
c. Address:	<u> </u>		
City:	St Fax	ate: Zip:	
Telephone: Email Addres		Δ	-
	Need of Protection		
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-	otected Persons	~ ~ ~	
		1	64h
-	the employee's workplace or	-	f the employee or for any other petitioner?
$\square$ Yes $\square$ N		······	
	Full Name	<u>Sex Age Househ</u>	old Member? Relationship to Employee
		e	es 🗆 No
			es 🗌 No
			es 🗌 No

### This is not a Court Order.

 $\rightarrow$ 

(4)	b.	Why do these people need protection? <i>(Explain)</i> :
$\bigcirc$		Response is stated in Attachment 4b.

a.	How doe	es the employee know the responde	ent? (Describe):	Respon	se is stated ir	n Attachment 5a.	
b.	-	lent is is not a current wise discipline the respondent):	employee of petiti			ion to retain, termi n Attachment 5b.	inate,
	enue						
W a.		a filing in this county? (Check all the respondent lives in this county.	hat apply):				
a. b.		respondent has caused physical or o	emotional injury to	the netition	er's employe	e in this county	
о. с.		r (specify):	с <b>.</b>	•		e in this county.	
		urt Cases employee or any of the persons nar	ned in ( <b>4</b> ) been inv	olved in ano	ther court cas	se with the respon	dent?
		employee or any of the persons nar	0			-	dent?
	Has the		0	te where and	when each w	-	
	Has the	employee or any of the persons nar Yes If yes, check each kind	of case and indica	te where and	when each w	was filed:	
	Has the	employee or any of the persons nar Yes If yes, check each kind <u>Kind of Case</u> Workplace Violence Civil Harassment	of case and indica	te where and	when each w	was filed:	
	Has the (	employee or any of the persons nar Yes If yes, check each kind <u>Kind of Case</u> Workplace Violence Civil Harassment Domestic Violence	of case and indicat Filed in (Con	te where and	when each w	was filed:	
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	Has the ( No (1) (1) (2) (1) (3) (1) (4) (1) (5) (1) (6) (1) (7) (1)	<ul> <li>employee or any of the persons nar</li> <li>Yes If yes, check each kind Kind of Case</li> <li>Workplace Violence</li> <li>Civil Harassment</li> <li>Domestic Violence</li> <li>Divorce, Nullity, Legal Separation</li> <li>Paternity, Parentage, Child Suppor</li> <li>Eviction</li> <li>Guardianship</li> </ul>	of case and indicat Filed in (Con	te where and unty/State)	when each w Year Filed	was filed:	
	Has the ( No (1) (1) (2) (1) (3) (1) (4) (1) (5) (1) (6) (1)	employee or any of the persons nar Yes If yes, check each kind <u>Kind of Case</u> Workplace Violence Civil Harassment Domestic Violence Divorce, Nullity, Legal Separation Paternity, Parentage, Child Suppor Eviction	of case and indicat Filed in (Con	te where and unty/State)	when each w Year Filed	was filed:	

- (11)  $\Box$  Other *(specify):*
- b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in (4) and the respondent? No Yes (If yes, attach a copy if you have one.)

### This is not a Court Order.

 $\rightarrow$ 

#### **8** Description of Respondent's Conduct

- a. Respondent has (check one or more):
  - (1)  $\Box$  Assaulted, battered, or stalked the employee
- b. One or more of these acts (check either or both):
  - (1)  $\Box$  Took place at the employee's workplace
  - (2)  $\Box$  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.

Petition for Workplace Violence Restraining Orders (Workplace Violence Prevention)

8)	f.	For any of the incidents described above, did the police come?
		If yes, did the employee or the respondent receive an Emergency Protective Order?
		$\Box$ Yes $\Box$ No $\Box$ I don't know
		If yes, the order protects (check all that apply):
		$\Box$ the employee $\Box$ the respondent $\Box$ one or more of the persons in (4).
		(Attach a copy of the order if you have one.)
	CI	neck the orders you want 🗹
9)		Personal Conduct Orders
9	Ιa	sk the court to order the respondent <b>not</b> to do any of the following things to the employee or to any person to
	be	protected listed in (4):
	a.	Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
	b.	Commit acts of unlawful violence on or make threats of violence to the person.
	c.	Follow or stalk the person during work hours or to or from the place of work.
	d.	Contact the person, either directly or indirectly, by <b>any</b> means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
	e.	Enter the person's workplace.
	f.	Other (specify):
		As stated in Attachment 9f.
		a respondent will be ordered not to take any action to get the addresses or locations of any protected person

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

#### Stay-Away Orders

a.	I ask the court to order the respondent to stay at le	ast_	yards away from <i>(check all that apply):</i>
	(1) $\square$ The employee.	(8)	The employee's vehicle.

- (2)  $\Box$  The other persons listed in 4.
- (9)  $\Box$  Other *(specify):*
- (3)  $\square$  The employee's workplace.
- (4)  $\Box$  The employee's home.
- (5)  $\Box$  The employee's school.
- (6)  $\Box$  The school of the employee's children.
- (7) The place of child care of the employee's children.

This is not a Court Order.

(10)

→

10	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? $\Box$ Yes $\Box$ No <i>(If no, explain):</i>
		Response is stated on Attachment 10b.
(11)	F	irearm (Guns), Firearm Parts, and Ammunition
$\bigcirc$		oes the respondent own or possess any firearms (guns), firearm parts (any receiver, frame or unfinished receiver r frame as defined in Penal Code section 16531), or ammunition?
		Yes No I don't know
	r p li	<sup>c</sup> the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, eceiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the rotective order is in effect. The will also be ordered to turn in to law enforcement, or sell to or store with a censed gun dealer, any firearms (guns), firearm parts, and ammunition within his or her immediate possession r control.
(12)	Г	] Temporary Restraining Order
	I	request that a Temporary Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am resenting form WV-110, <i>Temporary Restraining Order</i> , for the court's signature together with this Petition.
	F [	Ias the Respondent been told that you were going to go to court to seek a TRO against him or her?         □ Yes       □ No       (If you answered no, explain why below):
	[	Reasons are stated in Attachment 12.
	-	
	-	
	_	
(13)		] Request for Less Than Five Days' Notice of Hearing
$\bigcirc$	С	ou must have your papers personally served on the respondent at least five days before the hearing, unless the ourt orders a shorter time for service. (Form WV-200-INFO explains what is proof of personal service. Form W-200, Proof of Personal Service, may be used to show the court that the papers have been served.)
	It	You want there to be fewer than five days between service and the hearing, explain why:
		Reasons are stated in Attachment 13.

### This is not a Court Order.

 $\rightarrow$ 

Rev	January	1	2023
Rev.	January		, 2023

### This is not a Court Order.

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:

Date:

*Name of petitioner* 

Title

Number of pages attached to this form, if any:

Additional orders requested are stated in Attachment 17.

Additional Orders Requested

I ask that there be no filing fee because the respondent has 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.



(17)

(18)

### (15) 🗌 No Fee to Serve Orders

📊 🗌 No Fee for Filing

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

#### □ Court Costs (16)

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

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

Signature

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

# What is a workplace violence protective order?

Under California law (Code Civ. Proc., § 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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition

For more information about the items a restrained person cannot have, please see <u>https://selfhelp</u>...courts.ca.gov/restraining-orders/prohibited-items.

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. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

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 <u>Can a Civil Harassment</u> <u>Restraining Order Help Me?</u> (form CH-100-INFO).

#### 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. (Lab. 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 the employer is 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?

- <u>Petition for Orders Workplace Violence Restraining</u> <u>Orders</u> (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.
- <u>Confidential CLETS Information (form CLETS-001</u>). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
- 3. <u>Notice of Court Hearing (form WV-109)</u>. This form tells the parties when the hearing on the petition will be held.
- <u>Temporary Restraining Order</u> (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.
- <u>Workplace Violence Restraining Order After Hearing</u> (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. <u>Proof of Personal Service (form WV-200)</u>. 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?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

#### 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?

- Fill in the Petition (form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form <u>WV-109</u>). If you are seeking a TRO, also fill out form <u>WV-110</u>.
- 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** (form WV-100). You may use form <u>MC-031</u>, *Attached* <u>Declaration</u>.
- 3. Fill in <u>Confidential CLETS Information (form</u> <u>CLETS-001)</u> 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 <u>WV-110</u> 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; or
  - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.

### WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

- 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 <u>WV-110</u>), 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. 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.

If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300, *Request for*</u> <u>Interpreter (Civil)</u>, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>www.courts.ca.gov/selfhelp-</u><u>interpreter.htm</u>.

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"?

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 <u>Proof of Personal Service (form WV-200)</u>. 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.

#### DRAFT

#### 8/17/2022

Not approved by the Judicial Council

### WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form <u>MC-030</u>, *Declaration*.)

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

- 12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form <u>WV-260</u>, *Proof of Service of Order After* <u>Hearing by Mail</u>. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed <u>Proof of Personal Service (form WV-200)</u> with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

W	V-109 Notice of Court H	learing	Clerk stamps date here when form is filed.
(1) Pe	titioner (Employer)		
a.	Name:		-
	Lawyer for Petitioner (if any for this case Name:		
	Firm Name:	_ State Bar No.:	-
		1 1.4	-
b.	Address (If you have a lawyer, give your	lawyer's information.):	Fill in court name and street address;
	Address:		<ul> <li>Superior Court of California, County</li> </ul>
	City: 5	State: Zip:	
	Telephone:	Fax:	
	E-Mail Address:		
$\sim$	nployee in Need of Protection		Fill in case number:
ru	I Name:		Case Number:
(4) No	The court will otice of learing	complete the rest of this fo	rm.
•	otice of dearing court hearing is scheduled on the rec	quest for restraining or Name and addr	ders against the respondent: ess of court if different from above:
•	otice of rearing court hearing is scheduled on the rec	quest for restraining or Name and addr	ders against the respondent: ess of court if different from above:
	court hearing court hearing is scheduled on the red	quest for restraining or Name and addr	ders against the respondent: ess of court if different from above: 
А ( [1 5) Те	tice of learing court hearing is scheduled on the red tearing Date: Time: Dept.: Room: mporary Restraining Orders for person Request for Workplace Violence Restrain (1) □ All GRANTED until the court h	Auest for restraining or Name and addr Name andr Name and addr Name and addr Name andr	ders against the respondent: ass of court if different from above: WV-110, served with this notice.) ders as requested in Form WV-100, one bax below): mial in b, below.)

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, <u>Disability Accommodation Request</u>, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-</u> <u>INFO</u>, <u>How to Request a Disability Accommodation for</u> <u>Court</u>.

# Information about the process is also available online.

See https://selfhelp.courts.ca.gov/WV-restraining-order.

#### For help in your area, contact:

[Local information may be inserted.]

WV-109 Notic	ce of Court Hearing	Clerk stamps date here when form is filed.	
) <b>Petitioner (Employer)</b> a. Name:			
Lawyer for Petitioner (if a	unv for this case):	—	
•	State Bar No.:		
Firm Name:			
	wyer, give your lawyer's information.):	Fill in court name and street address:	
Address:		Superior Court of California, County o	
City:	State: Zip:		
Telephone:	Fax:		
Email Address:			
×.		Fill in case number:	
)Employee in Need of P	TOLECTION	Case Number:	
X.	rom Whom Drotootion to Sought)		
)Respondent (Person F	rom Whom Protection Is Sought)		
)Respondent (Person F	rom Whom Protection Is Sought)		
)Respondent (Person F	rom Whom Protection Is Sought)		
<ul> <li>Respondent (Person F Full Name:</li> <li>Notice of Hearing</li> </ul>	rom Whom Protection Is Sought)	  form.	
<ul> <li>Respondent (Person F Full Name:</li> <li>Notice of Hearing</li> </ul>	rom Whom Protection Is Sought) The court will complete the rest of this uled on the request for restraining o	  form.	
<ul> <li>) Respondent (Person F Full Name:</li> <li>) Notice of Hearing A court hearing is sched</li> <li>↓ Hearing → Date:</li> </ul>	rom Whom Protection Is Sought) The court will complete the rest of this uled on the request for restraining o Name and a	<i>form.</i> <b>rders against the respondent:</b> ddress of court if different from above:	
<ul> <li>Respondent (Person F Full Name:</li> <li>Notice of Hearing A court hearing is sched</li> </ul>	rom Whom Protection Is Sought) The court will complete the rest of this uled on the request for restraining o Name and a Time:		
<ul> <li>Respondent (Person F Full Name:</li> <li>Notice of Hearing A court hearing is sched</li> </ul>	rom Whom Protection Is Sought) The court will complete the rest of this uled on the request for restraining o Name and a Time:	<i>form.</i> rders against the respondent: ddress of court if different from above:	

- a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form WV-100, *Request for Workplace Violence Restraining Orders*, are *(check only one box below):* 
  - (1)  $\square$  All **GRANTED** until the court hearing.
  - (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
  - (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

(1)	The facts as stated in form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
(2)	Other <i>(specify)</i> : As stated on Attachment 5b.
Service	of Documents by the Petitioner
At least protected-	<b>five days before the hearing</b> , someone age 18 or older— <b>not you or anyone to be</b>
At least protected- to the response	<b>five days before the hearing</b> , someone age 18 or older— <b>not you or anyone to be</b> —must personally give (serve) a court file-stamped copy of this form WV-109, <i>Notice of Court Hearing</i>
At least protected- to the response a. WV-10 b. WV	five
At least protected- to the response a. WV-10 b. WV-12	five
At least protected- to the response a. WV-10 b. WV-12	five
At least protected- to the response a. WV-10 b. WV-12 d. WV-12	five
At least protected- to the response a. WV-10 b. WV-10 b. WV-12 d. WV-12 e. WV-25	five
At least protected- to the response a. WV-10 b. WV-10 b. WV-12 d. WV-12 e. WV-25	five      days before the hearing , someone age 18 or older—not you or anyone to be        must personally give (serve) a court file-stamped copy of this form WV-109, Notice of Court Hearing         ondent along with a copy of all the forms indicated below:         0, Petition for Workplace Violence Restraining Orders (file-stamped)         7-110, Temporary Restraining Order (file-stamped) IF GRANTED         0, Response to Petition for Workplace Violence Restraining Orders (blank form)         0-INFO, How Can I Respond to a Petition for Workplace Violence Restraining Orders?         0, Proof of Service of Response by Mail (blank form)

#### To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request 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. Use form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



#### To the Respondent:

- If you want to respond to the request for orders in writing, file form WV-120, *Response to Request for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- 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 and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition that you own or possess.



#### **Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to *www.courts.ca.gov/forms* for *Disability Accommodation Request* (form MC-410). (Civ. Code, § 54.8.)

(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.

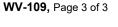
Clerk's Certificate [seal]

Clerk, by \_\_\_\_\_, Deputy

Rev. January 1, 2023

Notice of Court Hearing (Workplace Violence Prevention)

Print this form Save this form



**Clear this form** 

### WV-110

### **Temporary Restraining Order**

Petitioner (Employer)		
a. Name:		08/17/2022
Lawyer for Petitioner <i>(ij</i>		
Name: Firm Name:	State Bar No.:	Not approved by the Judicial Council
	nya a lannan aina yang lannan'a informat	
	ave a lawyer, give your lawyer's informat	100.):
Address:	2	Fill in court name and street address:
	State: Zip:	Superior Court of California, County
Telephone:	Fax:	
Email Address:		
Employee (Protected	Person)	
Respondent (Restrair		Court fills in case number when form is filed. Case Number:
• •	ou know. Information with a star (*) is rea	
1	lifornia police database. If age is unknow	
give an estimate.)		
*Full Name:	*	Age: Date of Birth:
	Height: Weight:	
*Gender: 🗌 M 🔲 F	Nonbinary Home Address:	
City:	State: Zip:	:
Relationship to Protected		
-		
Additional Protect		
	e, the tollowing family or household mem	bers or other employees are protected by the
	below	
temporary orders indicated		sehold Member? Relation to Employee
		- · ·
temporary orders indicated		Yes 🗌 No
temporary orders indicated		Yes         No           Yes         No
temporary orders indicated Full Nam	Gender     Age     House	Yes       No         Yes       No         Yes       No
temporary orders indicated Full Nam		Yes       No         Yes       No         Yes       No
temporary orders indicated Full Nam	Gender     Age     House	Yes       No         Yes       No         Yes       No
temporary orders indicated <u>Full Nam</u> Additional protected per <b>Expiration Date</b>	Gender     Age     House	Yes Do Yes No Yes No n Attachment 4.
temporary orders indicated <u>Full Nam</u> Additional protected per <b>Expiration Date</b>	Image     Gender     Age     House	Yes Do Yes No Yes No n Attachment 4.

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2023, Mandatory Form Code of Civil Procedure, §§ 527.8 and 527.9 Approved by DOJ

Temporary Restraining Order (CLETS-TWH) (Workplace Violence Prevention)

Case Number:

### 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.

#### Personal Conduct Orders 6

Not Requested 🛛 Denied Until the Hearing		Granted as Follows:
------------------------------------------	--	---------------------

a. You are ordered **not** do the following things to the employee

- and to the other protected persons listed in (4):
- (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2)  $\square$  Commit acts of violence or make threats of violence against the person.
- (3)  $\square$  Follow or stalk the person during work hours or to or from the place of work.
- (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5)  $\square$  Enter the workplace of the person.
- (6)  $\Box$  Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7)  $\Box$  Other (specify):
  - $\Box$  Other personal conduct orders are attached at the end of this Order on Attachment 6a(7).
- 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. However, you may have your papers served by mail on the petitioner.

#### Stay-Away Order 7

- □ Denied Until the Hearing □ Granted as Follows: Not Requested
- a. You **must** stay at least
- yards away from (check all that apply):
- (1)  $\Box$  The employee
- (7)  $\Box$  The employee's children's place of child care

(9)  $\Box$  Other (specify):

- (2)  $\square$  Each other protected person listed in (4) (8)  $\square$  The employee's vehicle
- (3)  $\Box$  The employee's workplace
- (4)  $\Box$  The employee's home
- (5)  $\Box$  The employee's school
- (6)  $\Box$  The employee's children's school
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

	a cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any nibited items listed in b.
b. <mark>Pro</mark>	hibited items are:
(1)	Firearms (guns);
(2)	Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531 and
(3)	Ammunition.
c. You	i must:
(1)	Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 that all your prohibited items have been turned in, sold, or stored. (You may use <i>Receipt for Firearms, Firearm Parts, and Ammunition</i> (form WV-800) for the receipt.)
d. 🗌	The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
	r Orders ot Requested   Denied Until the Hearing  Granted as Follows (specify):
□ N( 	ot Requested Denied Until the Hearing Granted as Follows (specify):   ditional orders are attached at the end of this Order on Attachment 9.
□ N( 	ot Requested   Denied Until the Hearing  Granted as Follows (specify):
□ No	ot Requested Denied Until the Hearing Granted as Follows (specify):   ditional orders are attached at the end of this Order on Attachment 9.
□ No  □ Ad Manc This C	Denied Until the Hearing Granted as Follows (specify):   ditional orders are attached at the end of this Order on Attachment 9. To the Petitioner:
□ No  □ Ad Manc This C	Denied Until the Hearing Granted as Follows (specify):   ditional orders are attached at the end of this Order on Attachment 9. To the Petitioner: latory Entry of Order Into CARPOS Through CLETS rder must be entered into the California Restraining and Protective Order System (CARPOS) through the
Manc This C Califor	Denied Until the Hearing Granted as Follows (specify):   Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (specify): Granted as Follows (spec
□ No □ Ad Manc Califo a. □	ot Requested       Denied Until the Hearing       Granted as Follows (specify):         ditional orders are attached at the end of this Order on Attachment 9. <b>To the Petitioner: Idatory Entry of Order Into CARPOS Through CLETS</b> rder must be entered into the California Restraining and Protective Order System (CARPOS) through the nia Law Enforcement Telecommunications System (CLETS). <i>(Check one):</i> The clerk will enter this Order and its proof-of-service form into CARPOS.         The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
□ No	ot Requested       Denied Until the Hearing       Granted as Follows (specify):         ditional orders are attached at the end of this Order on Attachment 9. <b>To the Petitioner: Attory Entry of Order Into CARPOS Through CLETS</b> rder must be entered into the California Restraining and Protective Order System (CARPOS) through the nia Law Enforcement Telecommunications System (CLETS). (Check one):         The clerk will enter this Order and its proof-of-service form into CARPOS.         The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.         By the close of business on the date that this Order is made, the employer or the employer's lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to

**Temporary Restraining Order (CLETS-TWH)** (Workplace Violence Prevention) 94

Rev. January 1, 2023

		Cas	e Number:
11	No Fee to Serve (Notify) Restrained Person       □ Ord         The sheriff or marshal will serve this Order without charge because:       a.         a.       □ The Order is based on a credible threat of violence or stalking.         b.       □ The petitioner is entitled to a fee waiver.	ered	☐ Not Ordered
(12)	Number of pages attached to this Order, if any:		

Date	
Date:	

Judicial Officer

### Warnings and Notices to the Restrained Person in 3

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (8) above. The court will require you to prove that you did so.

#### Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

#### After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- 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 Workplace Violence Restraining Orders,* 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 threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. 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.courts.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, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 5 on page 1.

#### If the Protected Person Contacts the Restrained Person

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



#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code,  $\S$  6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(4) is an example of a no-contact order.
- 3. Criminal Protective Order (CPO): If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

(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:\_\_\_\_\_\_, Deputy

WV-120 Response to Petition for Wor Violence Restraining Orders	
<ul> <li>Use this form to respond to the <i>Petition</i> (form WV-100)</li> <li>Read <i>How Can I Respond to a Petition for Workplace Violence</i></li> </ul>	8/17/2022 ?
Restraining Orders? (form WV-120-INFO) to protect your right	
• Fill out this form and take it to the court clerk.	the Judicial Council
• Have someone age 18 or older—not you—serve the petitioner	
petitioner's lawyer by mail with a copy of this form and any at pages. <i>(Use form WV-250, Proof of Service of Response by Ma</i>	ail)
	Superior Court of California, County of
1 Petitioner (Employer) Name:	
2 Employee Seeking Protection	
Full Name:	Fill in case number:
3       Respondent (Person From Whom Protection Is So         a.       Your Name:         Your Lawyer (if you have one for this case)         Name:       State Bar No.:         Firm Name:       State Bar No.:	
<ul> <li>b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)</li> <li>Address:</li> <li>City:State:Zip:</li> <li>Telephone:Fax:</li> <li>Email Address:</li> </ul>	The court will consider your response at the hearing. Write your hearing date, time, and pla from form WV-109, item (4) here: Hearing Date: Time: Dept.: Room: If you were served with a Temporary
<ul> <li>4 □ Personal Conduct Orders</li> <li>a. □ I agree to the orders requested.</li> <li>b. □ I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)</li> <li>c. □ I agree to the following orders (specify below or in item</li> </ul>	<b>Restraining Order, you must obey it until th</b> <b>hearing.</b> At the hearing, the court may make orders against you that last for up to three years
<ul> <li>5 Stay-Away Orders</li> <li>a. I agree to the orders requested.</li> <li>b. I do not agree to the orders requested. (Specify why you do not agree)</li> </ul>	disagree in item (1) on page 3.)

c. I agree to the following orders (specify below or in item (1) on page 3):

WV-120, Page 1 of 4

6	□ a.	Ac	<b>Iditional Protected Persons</b> I agree that the persons listed in item (4) of the Petition may be protected by the order requested.
	b.		I do not agree that the persons listed in item $(4)$ of the Petition may be protected by the order requested.
$\frown$			J
(7)	If y (gu 16: tun ho	you <mark>Ins),</mark> 531) rn in urs (	rms (Guns), Firearm Parts, and Ammunition were served with form WV-110, <i>Temporary Restraining Order</i> , you cannot own or possess any firearms , firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section ), or ammunition. (See item 8 of form WV-110.) You must sell to or store with a licensed gun dealer, or a to a law enforcement agency, any of those items in your immediate possession or control within 24 of being served with form WV-110. You must file a receipt with the court. You may use <i>Receipt for</i> <i>ms, Firearm Parts, and Ammunition</i> (form WV-800) for the receipt.
	a.		I do not own or control any firearms (guns), firearm parts, or ammunition.
	b.		I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. <i>(Explain):</i>
			Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.
	c.		I have turned in my firearms (guns), firearm parts, and ammunition to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. I has already been filed with the court.
(8)		Ot	her Orders
U	a.		I agree to the orders requested.
	b.		I do not agree to the orders requested. (Specify why you disagree in item (1) on page 3.)
	c.		I agree to the following orders (specify below or in item (1) on page 3):
_			
9			enial id not do anything described in item (8) of form SV-100. (Skip to (1).)

WV-120, Page 2 of 4

 $\rightarrow$ 

#### (10) 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 "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

#### (11) 🗌 Reasons I Do Not Agree to the Orders Requested

Explain your answers to each order requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

Rev. January 1, 2023

WV-120, Page 3 of 4



	No Fee for Filing			
a.	□ I ask the court to waiv entitled to free filing.	the filing fee because the	e petitioner claims in for	rm WV-100 item (14) to be
b.		required to pay the filing the filing the value of the va		for a fee waiver. (Form
(13) 🗆 🕻	Costs			
a.	I ask the court to order	r the petitioner to pay my	court costs. The amounts	s requested are:
	Item	Amount	Item	Amount
		\$		\$
		\$		\$
		\$		\$
		e more items. Put the iten —Costs" for a title. You n		<i>tached sheet of paper and</i> ttachment.
b.	□ I ask the court to deny fees and costs.	the request of the person	asking for protection that	at I pay his or her lawyer's
(14) Nun	nber of pages attached to the	nis form, if any:		
-				
т				
L	Date:			
_			• <u> </u>	
I	Lawyer's name (if any)		Lawyer's signature	
	declare under penalty of p correct.	perjury under the laws of t	he State of California tha	at the information above is true and
с		erjury under the laws of t	he State of California tha	at the information above is true and
с	correct.	erjury under the laws of t	he State of California tha	at the information above is true and
с	correct.	erjury under the laws of t	he State of California tha	at the information above is true and
с І	correct.	erjury under the laws of t	•	at the information above is true and
с І	correct.	erjury under the laws of t	he State of California tha	at the information above is true and
с І	correct. Date:	sponse to Petition fo	Sign your name	
с І 7	correct. Date:		Sign your name or Workplace Violer	

# What is a workplace violence restraining order?

It is a court order that prohibits you from doing certain things and going 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 the employee and the employee's home, workplace and other places
- Not have any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect For more information about the items you would not be allowed to have, please see <a href="https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items">https://selfhelp</a>.

# Who can ask for a workplace violence restraining 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 for private workplace violence restraining orders. 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 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 <u>WV-120</u>, *Response to Petition for Workplace* <u>Violence Restraining Orders</u>, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2023, Optional Form Code of Civil Procedure, §§ 527.8 and 527.9 How Can I Respond to a Petition for Workplace Violence Restraining Orders? (Workplace Violence Prevention)

#### What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item ① of the petition form WV-110 (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 <u>WV-250</u>, *Proof of Service of Response by* <u>*Mail*</u>. 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 the hearing, the judge can make orders against you without hearing from you.

	-109 Notice of	Court Hearing		Clerk stamps date here when form is filed.
) Peti	tioner (Employer)		/	
	Name:	State U	ar No.:	
	Address (If you have a lawye		information ):	
U.	Address (1) you have a lawye	r, give your uwyer s	injormation.).	Fill in court name and street address:
	Address: City: Telephone: E-Mail Address:		Zip:	Superior Court of California, County o
	ployee in Need of Prote	cilor		Fill in case number:
Full 1	Name:	/		Case Number:
				s of court if different from above:
	ata	Time: Room:		
a. ] 	Temporary Restraining Orders Request for Workplace Violen	s for personal conduct ce Restraining Order.	t and stay away orde	VV-110, served with this notice.) rs as requested in Form WV-100, ne box below):
	(1) 🗌 All GRANTED until			
	(2) All DENIED until the	e court hearing, (Snee	cify reasons for den	ial in b. below.)
(	<ul> <li>(2) All DENIED until th</li> <li>(3) Partly GRANTED at b, below.)</li> </ul>			ial in b, below.) . (Specify reasons for denial in

→

### WV-120-INFO How Can I Respond to a Petition for Workplace **Violence Restraining Orders?**

#### 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 at the hearing can last for up to three years.

#### Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, courtappointed 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 that person's attorney 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.

#### Information about the process is also available online.

See <u>https://selfhelp.courts.ca.gov/WV-restraining-order</u>.

#### For help in your area, contact:

[Local information may be inserted.]

#### DRAFT

#### 8/17/2022

#### Not approved by the Judicial Council

#### What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>www.courts.ca.gov/</u> selfhelp-interpreter.htm.

#### What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have one of those items in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

#### Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the employer would have to file a request with the court to cancel the order.

#### What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, How to Request a Disability Accommodation for Court.

Urd	der After Hearing	
Petitioner (Employe		DRAFT 08/17/2022
a. Name:	(if any for this age)	
	r <i>(if any, for this case)</i> State Bar No.:	Not approved by
Firm Name:	State Bar No.:	the Judicial Council
	have a lawyer, give your lawyer's informati	
Address:	nuve a lawyer, give your lawyer's informali	Fill in court name and street address:
	State: Zip:	Superior Court of California, County
Telephone:	Fax:	
Email Address:		
		—
Employee (Protecte	ed Person)	Court fills in case number when form is filed.
		Case Number:
, j	n you know. Information with a star (*) is rea	quired to add this order to the California p
database. If age is unkno		
*Full Name:		Age: Date of Birth:
	Height: Weight:	_ Hair Color: Eye Color:
	F Nonbinary Home Address:	
		p:
Relationship to Protec		
Additional Prote In addition to the employ temporary orders indicat	yee, the following family or household memb	bers or other employees are protected by the
In addition to the employ	yee, the following family or household members debelow: <u> me <u>Gender Age</u> House </u>	ehold Member?     Relation to employe       Yes     No
In addition to the employ temporary orders indicat	yee, the following family or household members below:          me       Gender Age       House	ehold Member?     Relation to employe       Yes □ No
In addition to the employ temporary orders indicat <u>Full Nar</u>	yee, the following family or household members below:          me       Gender Age       House	ehold Member?     Relation to employe       Yes     No       Yes     No       Yes     No       Yes     No
In addition to the employ temporary orders indicat Full Nar	yee, the following family or household members below:          me       Gender Age       House	ehold Member?     Relation to employe       Yes     No       Yes     No       Yes     No       Yes     No
In addition to the employ temporary orders indicat Full Nar	yee, the following family or household members me <u>Gender Age House</u> 	ehold Member?     Relation to employe       Yes     No       Yes     No       Yes     No       Yes     No
In addition to the employ temporary orders indicat Full Nar Additional protected Expiration Date This Order, except for a Date:	yee, the following family or household members me <u>Gender Age House</u>   persons are listed at the end of this Order on <i>ny award of lawyer's fees, expires at</i> Time:	ehold Member?       Relation to employe         Yes       No         Yes       No         Yes       No         Attachment 4.
In addition to the employ temporary orders indicat Full Nar Additional protected Expiration Date This Order, except for a Date:	yee, the following family or household members me <u>Gender Age House</u> 	ehold Member?       Relation to employe         Yes       No         Yes       No         Yes       No         Yes       No         Attachment 4.       Attachment 4.          a.m.       p.m.         pom the date of issuance.       Description

Case Number:

#### ) Hearing

a.	There was a hearing on <i>(date)</i> :	at <i>(time)</i> :	in Dept.:	Room:
	(Name of judicial officer):		made the orders	at the hearing.
b.	These people were at the hearing:			
	(1) The petitioner/employer (name):			
	(2) $\Box$ The lawyer for the petitioner/employer	r <i>(name):</i>		
	(3) $\Box$ The employee (4) $\Box$ The lawyee	er for the employee	(name):	
	(5) $\Box$ The respondent (6) $\Box$ The lawye	er for the responden	t (name):	
	Additional persons present are listed at the	end of this Order of	n Attachment 6b.	
c.	☐ The hearing is continued. The parties must	return to court on	(date):	at <i>(time)</i> :
	To the	e Respondent:		
	court has granted the orders checked b	•	•	

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

#### Personal Conduct Orders

- a. You are ordered **not** do the following things to the employee
  - $\square$  and to the other protected persons listed in (4):
  - (1) 🗌 Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
  - (2)  $\Box$  Commit acts of violence or make threats of violence against the person.
  - (3)  $\Box$  Follow or stalk the person during work hours or to or from the place of work.
  - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
  - (5)  $\square$  Enter the person's workplace.
  - (6) Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
  - (7) Other *(specify):*Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

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.

### This is a Court Order.

⇒

(7)  $\Box$  The employee's children's place of child care.

#### 8) Stay-Away Orders

- a. You **must** stay at least yards away from *(check all that apply):* 
  - (1)  $\square$  The employee.
  - (2)  $\square$  Each other protected person listed in (4). (8)  $\square$  The employee's vehicle.
  - (3)  $\square$  The employee's workplace.
  - (4)  $\Box$  The employee's home.
  - (5)  $\Box$  The employee's school.
  - (6)  $\Box$  The employee's children's school.
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

#### 9 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

#### b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531); and

(9)  $\square$  Other (specify):

#### (3) Ammunition.

- c. If you have not already done so, you must:
  - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items in your custody or control or that you possess or own.
  - File a receipt with the court within 48 hours of receiving this Order that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form WV-800) for the receipt.)
- d. 🗌 The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (3) is not required to relinquish this firearm (specify make, model, and serial number of firearm(s)):

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (3) may be subject to federal prosecution for possessing or controlling a firearm.

Amount

\$ \$ \$

		<u>Item</u>		A	mount		It	em
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				\$				
] A	ddition	al amoun	ts are attac	hed at th	ne end of	this Orde	er on Attach	me
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Additional orders are attached at the end of this Order on Attachment 11.

### To the Person in 1:

#### Mandatory Entry of Order Into CARPOS Through CLETS 12)

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

Name of Law Enforcement Agency

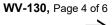
Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 12.



#### Service of Order on Respondent

- a. The respondent personally attended the hearing. No other proof of service is needed.
- b. The respondent did not attend the hearing.
  - (1) Proof of service of form WV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
  - (2) The judge's orders in this form are different from the temporary restraining orders in form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.



#### (14) No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

**15** Number of pages attached to this Order, if any:

Date:

Judicial Officer

#### Warning and Notice to the Respondent:

#### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items that you have or control as stated in item (9) above. The court will require you to prove that you did so.

#### Instructions for Law Enforcement

#### **Enforcing the Restraining Order**

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

#### Start Date and End Date of Orders

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

#### If the Protected Person Contacts the Restrained Person

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

#### **Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, § 6383(h)(2), 6405(b)):

- 1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
- 2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
- 3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
- 4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate [seal] (Clerk will fill out this part.) —Clerk's Certificate—

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

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

### WV-200

### Proof of Personal Service

Petitioner (Employer) Name:		DRAFT
(2) Employee in Need of F	Protection	8/17/2022
Name: Name: Name:	From Whom Protection Is Sought)	<ul> <li>Not approved by the Judicial Council</li> </ul>
(4) Notice to Server		-
<ul><li>The server must:</li><li>Be 18 years of age or old</li></ul>		Fill in court name and street address: Superior Court of California, County of
• Give a copy of all docum	<ul> <li>a), (2), or (4) of form WV-100.</li> <li>b) hents checked in (5) below to the respondent by mail.) Then complete and sign this form petitioner.</li> </ul>	
-	ROOF OF PERSONAL SERVICE	Court fills in case number when form is filed.
a. □ WV-109, Notice of C b. □ WV-110, Temporary c. □ WV-100, Petition for		Case Number:
<ul> <li>e. WV-120-INFO, How</li> <li>f. WV-130, Workplace</li> <li>g. WV-250, Proof of Se</li> <li>h. WV-800, Receipt for</li> <li>i. Other (specify):</li> <li>6 I personally gave copies of the second sec</li></ul>	<ul> <li>Can I Respond to a Petition for Workplace Violence Restraining Order After Hearing rvice by Mail (blank form)</li> <li>Firearms, Firearm Parts, and Ammunition</li> <li>he documents checked above to the responde</li> <li>b. At (time): a</li> </ul>	Violence Restraining Orders? (blank form) ent m.  p.m.
<ul> <li>e. WV-120-INFO, How</li> <li>f. WV-130, Workplace</li> <li>g. WV-250, Proof of Se</li> <li>h. WV-800, Receipt for</li> <li>i. Other (specify):</li> <li>6 I personally gave copies of t</li> <li>a. On (date):</li> <li>c. At this address:</li> <li>City:</li> <li>7 Server's Information</li> </ul>	Violence Restraining Order After Hearing rvice by Mail (blank form) Firearms, Firearm Parts, and Ammunition he documents checked above to the responde b. At (time): [] a State:	Violence Restraining Orders? (blank form) ent m.
<ul> <li>e. WV-120-INFO, How</li> <li>f. WV-130, Workplace</li> <li>g. WV-250, Proof of Se</li> <li>h. WV-800, Receipt for</li> <li>i. Other (specify):</li> <li>6 I personally gave copies of t</li> <li>a. On (date):</li> <li>c. At this address:</li> <li>City:</li> <li>7 Server's Information</li> <li>Name:</li> <li>Address:</li> </ul>	Violence Restraining Order After Hearing rvice by Mail (blank form) Firearms, Firearm Parts, and Ammunition he documents checked above to the responde b. At (time): a State: Telephone	Violence Restraining Orders? (blank form) ent m.
<ul> <li>e. WV-120-INFO, How</li> <li>f. WV-130, Workplace</li> <li>g. WV-250, Proof of Se</li> <li>h. WV-800, Receipt for</li> <li>i. Other (specify):</li> <li>6 I personally gave copies of t</li> <li>a. On (date):</li> <li>c. At this address:</li> <li>City:</li> <li>7 Server's Information</li> <li>Name:</li> <li>Address:</li> </ul>	Violence Restraining Order After Hearing rvice by Mail (blank form) Firearms, Firearm Parts, and Ammunition he documents checked above to the responde b. At (time): a State: Telephone	Violence Restraining Orders? (blank form) ent m.
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<ul> <li>e. WV-120-INFO, How</li> <li>f. WV-130, Workplace</li> <li>g. WV-250, Proof of Se</li> <li>h. WV-800, Receipt for</li> <li>i. Other (specify):</li> <li>6 I personally gave copies of ta</li> <li>a. On (date):</li> <li>c. At this address:</li> <li>City:</li> <li>7 Server's Information</li> <li>Name:</li> <li>Address:</li> <li>City:</li> <li>(If you are a registered proce</li> <li>County of registration:</li> <li>I declare under penalty of period</li> </ul>	Violence Restraining Order After Hearing rvice by Mail (blank form) Firearms, Firearm Parts, and Ammunition he documents checked above to the responde b. At (time): a State: Telephone State: ess server): Regist rejury under the laws of the State of California	Violence Restraining Orders?         (blank form)         ent        m.         Zip:         Zip:         Zip:         Zip:         Zip:         Zip:

Petitioner (Employe	er)	DRAFT
Name: Employee in Need	of Protection	8/15/2022
Full Name:		
	on From Whom Protection Is Sought	<ul> <li>Not approved by</li> <li>the Judicial Council</li> </ul>
Your Lawyer (if you hav	e one for this case):	
	State Bar No.:	Fill in court name and street address: - Superior Court of California, County
If you do not have a lawy	ve a lawyer, give your lawyer's information. ver and want to keep your home address different mailing address instead. You do not ax, or email.):	
	State: Zip:	Court fills in case number when form is filed.
City.		
		Case Number:
Telephone: Email Address: <b>To the Respondent</b> If a judge has ordered your unfinished receiver or fra- judge that you have obey	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to
Telephone: Email Address: To the Respondent If a judge has ordered you unfinished receiver or fra- judge that you have obey complete item (5) or (6).	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition</i> ?
Telephone: Email Address: To the Respondent If a judge has ordered you unfinished receiver or fra judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, o</i>	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition</i> ?
Telephone: Email Address: To the Respondent If a judge has ordered you unfinished receiver or fra judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, o</i>	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition</i> ? t e person in (3).)
Telephone: Email Address: <b>To the Respondent</b> If a judge has ordered you unfinished receiver or fra- judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition</i> ? t e person in (3).)
Telephone: Email Address: <b>To the Respondent</b> If a judge has ordered you unfinished receiver or fra- judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition</i> ? t e person in (3).)
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Telephone: Email Address: To the Respondent If a judge has ordered you unfinished receiver or fra judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem Name of Law Enforcem Address:	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>imunition</i> ? t t e person in (3).)
Telephone: Email Address: If a judge has ordered your unfinished receiver or fra- judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem Name of Law Enforcem Address: Telephone: Items Surrendered	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>amunition</i> ? t e person in (3).)
Telephone: Email Address: To the Respondent If a judge has ordered you unfinished receiver or fra judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem Name of Law Enforcem Address: Telephone: Items Surrendered a. Firearms, firearm p	Fax:	), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>imunition?</i> t t e person in (3).)
Telephone: Email Address: If a judge has ordered you unfinished receiver or fra- judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b</i> Name of Law Enforcem Name of Law Enforcem Address: Telephone: Items Surrendered a. Firearms, firearm p Date: b. List of items <i>(List of</i> )	Fax:	<pre>), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>munition?</i> t e person in ③ .) s: a.m. □ p.m. You may attach a separate form from you</pre>
Telephone: Email Address: If a judge has ordered you unfinished receiver or fra- judge that you have obey complete item (5) or (6). <i>How Do I Turn In, Sell, of</i> <i>(Complete the section b)</i> Name of Law Enforcem Name of Law Enforcem Address: Telephone: Items Surrendered a. Firearms, firearm p Date: b. List of items ( <i>List of</i> <i>agency (e.g., a prop</i>	Fax:	<pre>), firearm parts (any receiver, frame, or and ammunition, use this form to prove to cement officer or a licensed gun dealer to n in your items, read form SV-800-INFO, <i>umunition?</i> t t e person in ③ .) s: a.m. □ p.m. You may attach a separate form from you ow if you have attached a separate form):</pre>

Receipt for Firearms, Firearm Parts, and Ammunition (Workplace Violence Prevention) WV-800, Page 1 of 3

Case Number:

Name of Licensed Gun Dealer	r:				
License number:					
Telephone:	Emai	Address:			
Items Stored or Sold					
a. Firearms, firearm parts, an	nd ammunition transferred on	:			
Date:	Time:	a.m. 🗌 p.m.			
attached a separate form)	<i>Peport of Firearms Acquisition</i> : hed. <i>(If it does not include all</i> jury under the laws of the Sta	n) or you may use item $(7)$ . surrendered items, list add te of California that the info	Check bei litional ite ormation a	<i>low if yo</i> ms in ite above is	em ( <b>7</b>
Signature of licensed gun					
Signature of licensed gun List of Items Surrende Firearms and firearm parts Make		Serial Number, if there is one		Stored	Тс
List of Items Surrender Firearms and firearm parts Make (1)	ered Model	Serial Number, if there is one	Sold		To
List of Items Surrender  Firearms and firearm parts  Make (1) (2) (2)	Model	Serial Number, if there is one	Sold		To
List of Items Surrende Firearms and firearm parts Make (1) (2) (3) (4)	Model	Serial Number, if there is one	Sold		To
□ List of Items Surrende Firearms and firearm parts Make (1) (2) (3) (4) (5)	Model	Serial Number, if there is one	Sold		To
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□ List of Items Surrende Firearms and firearm parts Make (1) (2) (3) (4) (5) (())	Pred Model	Serial Number, if there is one	Sold		To dest
□ List of Items Surrende Firearms and firearm parts Make (1) (2) (3) (4) (5) (6)	Pred Model	Serial Number, if there is one	Sold		To dest
List of Items Surrender Firearms and firearm parts Make (1) (2) (3) (4) (5) (6) Ammunition <u>Brand</u> (1)	Exerced Model	Serial Number, if there is one	Sold	Stored	To dest
□ List of Items Surrende         Firearms and firearm parts         Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)	Model	Serial Number, if there is one	Sold	Stored	To dest
□ List of Items Surrende         Firearms and firearm parts         Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)         (3)         (4)         (5)         (6)         Image: Ammunition	Model	Serial Number, if there is one	Sold	Stored	To dest
□ List of Items Surrende         Firearms and firearm parts         Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)         (3)         (4)         (5)         (6)         Image: Amplitude of the second se	Model	Serial Number, if there is one	Sold	Stored	To dest
List of Items Surrende         Firearms and firearm parts         Make         (1)         (2)         (3)         (4)         (5)         (6)         Ammunition         Brand         (1)         (2)         (3)         (4)         (5)         (6)         Image: State of the state of t	Pred         Model	Serial Number, if there is one	Sold	Stored	To dest

<b>Receipt for Fi</b>	rearms, Firea	rm Parts, and
	Ammunition	
(Workpla	ice Violence Pre	evention)

WV-800, Page 2 of 3

7	To the Restrained Person:
	Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?
	🗌 No
	☐ Yes (If yes, check one of the boxes below):
	a. I filed a <i>Receipt for Firearms, Firearm Parts, and Ammunition</i> (form WV-800) or other proof for those items with the court on <i>(date)</i> :
	b. 🗌 I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.
	c. I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition. <i>(Explain why not):</i>

#### Your 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

#### Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

#### What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called "ghost guns"); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

### How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;
- OR
  - A licensed gun dealer, who can buy or store firearms. If you have firearm parts or ammunition, call ahead for more information.

### When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

### Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

#### Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for "Gun Dealers" or "Firearms Dealers" to find one. Make sure the dealer is licensed.

# Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

# How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

**Do not** bring firearms to court.

#### If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

# After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms and ammunition to a licensed gun dealer. To do this, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

# Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use <u>Receipt for</u> <u>Firearms, Firearm Parts, and Ammunition (form WV-800)</u> for this purpose.

#### Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

### Information about prohibited items and how to obey these orders is also available online.

See <u>https://selfhelp.courts.ca.gov/respond-to-WV-</u> restraining-order/obey-firearms-orders.

#### For help in your area, contact:

[Local information may be inserted.]

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2023, Optional Form Code of Civil Procedure, § 527.9 How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition? (Workplace Violence Prevention) WV-800-INFO, Page 1 of 1

114

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