

A MEDIATED RESOLUTION MAY GIVE YOU A BETTER RESULT THAN A TRIAL

Definition of Mediation

Mediation is a voluntary and confidential process that allows the parties to meet with a trained, impartial mediator. The mediator helps parties that are in conflict communicate with each other in a respectful and more effective way. The mediator will help the parties define issues, overcome obstacles in their communication, and explore potential solutions. The entire process proceeds by agreement of the parties.

The parties may meet together or separately. The decision is made by the parties, not by the mediator. No one will be forced to meet with the other party personally if he or she does not feel safe doing so.

During the process, the mediator will help the parties explain their concerns and interests to the other party and will help the parties identify and communicate possible outcomes of the mediation process.

Benefits of Mediation

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

CALIFORNIA COURTS SELF-HELP CENTER

www.courtinfo.ca.gov/selfhelp

FOR QUESTIONS ABOUT THE LAW AND FORMS:

Lake Superior Court Self-Help Center
380 North Main Street, Lakeport
Walk-in services Mondays and Tuesdays, 8:30 am until 4:00 pm
707.263.9024

Mendocino Superior Court Self-Help Center
Ukiah Courthouse, 3rd floor
Walk-in services Monday through Thursday, 12:00 pm until 4:00 pm
707.468.2020

FOR MEDIATION SERVICES:

Lake/Mendocino Superior Courts'
Civil Mediation Program
lakemendomediation@gmail.com
707.263.2264

Lake County Dispute Resolution
Services
lcdrs.org@gmail.com
707.263.6800



CIVIL HARASSMENT

Restraining order?
Mediation?

Your Options Explained

IMPORTANT INFORMATION ABOUT CIVIL HARASSMENT RESTRAINING ORDERS

What is a Civil Harassment Restraining Order?

A civil harassment restraining order is a court order issued by a judge that tells the restrained party (the person you are requesting protection from) to not harass or contact you (either directly or indirectly). A civil harassment restraining order can also order the restrained party to stay away from you, your home, your job, your vehicle and others who live with you.

Civil harassment restraining orders may be issued against someone who is harassing you, such as an acquaintance, co-worker, neighbor or stranger. If that person is a close relative, someone you have dated, married, or with whom you've had children, you will be protected by domestic violence law, which defines harassment differently than the law for civil harassment.

What is "Harassment" under California law?

- **Assault** (intentionally attempting to cause harmful or offensive contact)
Example: Someone has swung a fist at you or thrown an object at you with the intention of hitting you, even if they miss you.
- **Battery** (intentional harmful or offensive contact) Example: Someone has swung a fist at you or thrown an object at you with the intention of hitting you and does hit you.
- **Stalking** (a series of repeated actions that are meant to put you in fear for your safety, or the safety of your immediate family)
Example: Someone repeatedly follows you, watches you, and/or makes repeated and unwanted contact with you by email, phone, or any other method of communication, to scare or frighten you.
- **Credible threat of violence** (a statement or action that reasonably places you in fear for your safety, or for the safety of your immediate family). Example: You personally hear someone say to you, "If you ever call the cops on me again I'm going to kill you."
- **Repeated actions that seriously alarm, annoy, or harass you, that serve no legitimate purpose and cause you extreme emotional distress.** Example: someone has sent you 50 unwanted and upsetting text messages, emails and/or voice mails within a week.

How can I get a Civil Harassment Restraining Order?

Fill out forms [CH-100](#), [CH-102](#), [CH-120](#) & [CH-140](#) and turn them in to the Court Clerk's office (Civil Division) at your courthouse. Follow the instructions for each form carefully and answer all the questions. You can find and fill out the forms online at www.courtinfo.ca.gov/forms. After you fill out and turn in the forms, you will go before a judge to complete the process.

To get a Civil Harassment Restraining Order, you will:

1. Ask for a Temporary Restraining Order ("Ex Parte" Hearing)

The judge will review your forms to determine: (1) is there "reasonable proof" you have been harassed under the law? and (2) will you suffer great harm if the judge does not give you a restraining order right away? If the answer to both questions is yes, the judge will give you a temporary restraining order. The temporary order will stay in effect until there is a full court hearing to review the evidence (usually 15 to 22 days from the date of the temporary restraining order).

2. Ask for a Final or "Permanent" Restraining Order (at a court hearing)

You will not automatically get a permanent restraining order just because you got a temporary restraining order, or because the police told you to get one.

To get a permanent restraining order, you must present **clear and convincing evidence** (written statements or testimony from people who saw the harassing activity, police reports, photographs, audio recordings, text messages, emails, letters, etc.) that the person to be restrained engaged in harassment as defined by California law. In most cases, the judge will not issue a final restraining order based only on your word. A permanent restraining order can last up to three years.

How is the Civil Harassment Restraining Order Enforced?

The restraining order will be entered into the statewide law enforcement database known as "CLETS", which allows law enforcement statewide to know of the existence of a restraining order. Once an order is made by the court, you can have the restrained person arrested if s/he violates the order. It is up to you to notify law enforcement if the restrained person has violated the order.

Possible Effects and Limitations of Restraining Orders:

What a restraining order will do for you:

- It will limit the restrained person's contact with you and other protected people.
- You can call the police and have the party arrested if s/he violates the restraining order.
- The restrained person will have to turn over his or her firearms to the local police as long as there is a restraining order.
- The restrained person will have an incentive to cooperate because they risk arrest if they violate the restraining order.

BUT, a restraining order may also:

- Cut off communication and contact with someone with whom you may have to deal at work, within your family or neighborhood –making it almost impossible to clear up any misunderstandings that exist between you.
- Worsen an already bad situation because the restrained person walks away very angry.
- Cause the restrained person to give up military or police service during the period of the restraining order, and may prevent them from getting that job back in the future.

What a restraining order will not do for you:

- It will not cause the police to automatically arrest the person unless the police officer determines that s/he has, in fact, violated the order.
- It will not make the person cooperate if s/he is determined to continue with the harassing behavior.
- It will not force the person to get help for his or her substance abuse or anger problem.

See California Code of Civil Procedure §§525; 527.6(b); 527.6(c); 527.6(k)(1)-(k)(3) & California Penal Code §§240; 242; 646.9; 12021(g)(1).