



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 25, 2013

Title	Agenda Item Type
Juvenile Law: Restraining Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Amend Cal. Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as FL-306 and JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251.	January 1, 2014
	Date of Report
	October 11, 2013
	Contact
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Recommended by	
Family and Juvenile Law Advisory Committee	
Hon. Jerilyn L. Borack, Cochair	
Hon. Kimberly J. Nystrom-Geist, Cochair	

Executive Summary

The Family and Juvenile Law Advisory Committee recommends amending rules 5.620, 5.625, and 5.630 of the California Rules of Court and revising and renumbering forms used to obtain and issue restraining orders in juvenile court cases. The recommended changes would make the juvenile forms more consistent with current forms in the Civil Harassment Prevention, Domestic Violence Prevention, Elder or Dependent Adult Abuse Prevention, School Violence Prevention, and Workplace Violence Prevention form families, benefiting judicial officers who may be assigned to preside over varying types of protective order proceedings. The recommended changes would also eliminate deficiencies of the current *Restraining Order—Juvenile* (form JV-250) that present barriers to proper enforcement of these orders and, therefore, pose a danger to the members of the public who seek protection through issuance of these restraining orders.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2014:

1. Amend rules 5.620, 5.625, and 5.630 of the California Rules of Court to change references in the rules to Judicial Council form names and numbers so that these references reflect the changes to forms recommended in this report and to add the option for a court to reissue a temporary restraining order by using *Notice of Hearing and Temporary Restraining Order—Juvenile* (revised form JV-250) rather than mandating the use of *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile)* or *Order to Show Cause* (current form FL-306/JV-251);
2. Revise *Restraining Order—Juvenile* (current form JV-250) for use as a notice and temporary order by renaming it *Notice of Hearing and Temporary Restraining Order—Juvenile* (revised form JV-250), expanding the list of prohibited types of contact, adding an item where the court can state whether the restrained person was present when the order was made and whether further service of the order is needed, and revising the warning to the restrained person prohibiting the possession of firearms to indicate that the warning applies only if the court issued a temporary order;
Adopt *Restraining Order—Juvenile* (new form JV-255) for mandatory use as a permanent order;
3. Separate the *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile)* or *Order to Show Cause* (current form FL-306/JV-251) into two forms, renumbering the family law form to FL-306 and changing the title to *Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (Family Law—Governmental—Uniform Parentage—Custody and Support)* and renumbering the juvenile law form to JV-251, changing the title to *Application and Order for Reissuance of Temporary Restraining Order—Juvenile*, and revise it to clarify what orders are appropriate at juvenile court proceedings; and
4. Revise *Change to Restraining Order After Hearing* (current form JV-255) to remove the notice that the change does not modify or terminate any other family, criminal, juvenile, civil, or probate orders and renumber it as form JV-257.

Previous Council Action

In 2009, the Judicial Council sponsored Assembly Bill 1596 (Stats. 2010, ch. 572) to address and conform statutory differences regarding protective orders relating to civil harassment (CH), domestic violence (DV), elder and dependent adult abuse (EA), private postsecondary school violence (SV), workplace violence (WV), and juvenile law (JV).¹ That bill was enacted and signed by the Governor in 2010 and became effective on January 1, 2012.²

¹ This legislation was developed to implement statutory changes identified by the Protective Orders Working Group (POWG). The POWG was formed in 2007 at the request of the Judicial Council's Rules and Projects Committee to bring together members of the Family and Juvenile Law, Civil and Small Claims, Criminal Law, and Probate and Mental Health Advisory Committees, as well as the Domestic Violence Practice and Procedure Task Force, to

In January 2011, the Judicial Council amended rule 5.630 and revised and adopted a number of Judicial Council forms to implement AB 1596 and to harmonize and coordinate the juvenile forms with the proposed revised CH, DV, EA, SV, and WV forms, which became effective on January 1, 2012.

The Judicial Council revised *Application for Order For Reissuance of Request for Order or Restraining Order (Juvenile) or Order to Show Cause* (form FL-306/JV-251), effective July 1, 2012, to reflect the revised title of form FL-300 from Order to Show Cause to Request for Order.

Rationale for Recommendation

This proposal is urgently needed to remedy a problem that is causing significant inconvenience to the courts and a danger to the public. *Restraining Order—Juvenile* (form JV-250) was revised effective January 1, 2012. This newer version, however, has caused a significant inconvenience to a large local court—the Sheriff’s Department is rejecting nearly half of the restraining orders issued by the juvenile court. The current form contains no item to indicate if the person to be restrained was present at the hearing when the temporary restraining order was issued. The Sheriff’s Department is therefore either rejecting the order completely and *not* entering it into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS), which is dangerous for any of the people protected by the orders, or entering it as “unserved” even if the person to be restrained was present at the hearing. If the order is entered into CARPOS as “unserved” and that order is violated, law enforcement will merely serve the order rather than enforce it. This practice endangers the very people the order is meant to protect. Revising the form to include an item indicating whether the restrained person was present at the hearing will make the juvenile restraining order forms easier for law enforcement to read and enforce and safer for the people the form is meant to protect.

Because the committee is recommending that this form be revised, the committee further recommends additional changes to make the juvenile restraining order forms more consistent with the other protective order forms. When the Judicial Council revised the juvenile court restraining orders in 2011, both the temporary and permanent restraining orders were included on one form. Since then, courts have requested that the temporary and permanent restraining orders be separated out into two forms, to more closely mirror other types of protective orders and to

jointly address issues relating to the protective order forms. More specifically, the POWG considered challenges presented by inconsistencies among the current protective order forms and identified statutory impediments to uniformity among the forms.

²The text of Assembly Bill 1596, as chaptered, may be viewed at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200920100AB1596&search_keywords=

Welfare and Institutions Code section 213.5 has subsequently been amended for other reasons, and the current version can be viewed at http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=213.5.

reduce confusion when filling out the juvenile restraining order forms. Revising the forms so they are more consistent with the other types of protective orders is a benefit to the courts. Consistency between the various protective order forms is helpful to large courts when judicial assignments change, because the judicial officer may be familiar with one set of forms and then move to another assignment that uses a different set of forms. It is also helpful to the small courts in which one judicial officer presides over different protective order hearings.

Rules 5.620, 5.625, and 5.630

The committee recommends adding the option for a court to reissue a temporary restraining order by using *Notice of Hearing and Temporary Restraining Order—Juvenile* (revised form JV-250) rather than mandating the use of *Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile)* or *Order to Show Cause* (current form FL-306/JV-251). This approach reflects the current practice in many courts.

***Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) and *Restraining Order—Juvenile* (form JV-255)**

To address the safety problems discussed above, and to harmonize the juvenile forms with other protective order forms, the committee recommends separating the current form³ into two forms: *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) and *Restraining Order—Juvenile* (form JV-255). Doing so would increase court efficiency because the forms would more closely mirror protective order forms used in other proceedings, providing familiarity to judicial officers new to juvenile court or who preside over multiple legal areas.

On both forms, the committee recommends expanding the list of prohibited types of contact from “by mail or otherwise” to “in **any** way, including but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means” (see JV-250, item 7a(2) and JV-255, item 5a(2); emphasis in original). This change would make the order consistent with the one found on *Temporary Restraining Order* (form EA-110), which has the most expansive list of prohibited types of contact.

The committee recommends adding a place (item 13) on the proposed *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) where the court can state whether the restrained person was present when the order was made and whether further service of the order is needed. This will allow law enforcement to quickly ascertain whether to enforce or serve the order.

The committee recommends that the warning to the restrained person prohibiting the possession of firearms on the proposed *Notice of Hearing and Temporary Restraining Order—Juvenile*

³ Current form JV-250 is the *Restraining Order—Juvenile*, but it is a multipurpose form that contains options allowing it to be used as a notice of hearing or for temporary orders. The recommended revisions provide a restraining order form just for restraining orders (revised form JV-255) and create a separate form for the notice of hearing and/or temporary restraining orders (revised form JV-250).

(form JV-250) be revised to indicate that the warning applies only if the court issued a temporary order.

Application and Order for Reissuance of Temporary Restraining Order—Juvenile (form JV-251) and Application and Order for Reissuance of Request for Order and Temporary Emergency Orders (Family Law—Governmental—Uniform Parentage—Custody and Support) (form FL-306)

The committee recommends that *Application and Order for Reissuance of Request for Order or Restraining Order—Juvenile or Order to Show Cause* (current form FL-306/JV-251) be separated into two forms, one for use in family law proceedings (revised form FL-306) and one for use in juvenile proceedings (revised form JV-251). Although it originally was thought that one form would provide courts with a simple way to identify the form necessary to reissue an order, the combined form has been confusing to both judicial officers and self-represented litigants. The two separate forms will clarify what orders are appropriate at each type of proceeding and will enhance court efficiency and ensure accurate orders.

During the Spring 2013 invitation to comment cycle the Family and Juvenile Law Advisory Committee and the Elkins Family Law Implementation Task Force invited comment on a proposal (SPR13-22)⁴ to respond to issues raised by judicial officers, court operations managers, supervisors, and clerks from several counties about *Request for Order* (form FL-300), *Information Sheet for Request for Order* (form FL-300-INFO) and associated rules and forms that became effective on July 1, 2012, and January 1, 2013. That proposal also included revising form FL-306/JV-251 to separate the family law content from the juvenile law content. Thus, proposed form FL-306 circulated for comment with the family law forms relating to the request for order forms while form JV-251 circulated for comment in a separate proposal SPR13-28 relating to juvenile restraining orders.

Given the numerous concerns raised by the legal community in response to SPR13-22, the committee and task force decided to defer action on that proposal to allow time to thoroughly consider the commentators' suggestions, propose changes to these rules and forms that are responsive to the comments, and circulate a revised proposal for public comment.

However, given the urgency in separating form FL-306/JV-251 into two forms to address its use in juvenile proceedings, the Family and Juvenile Law Advisory Committee has decided to defer action on the comments suggesting substantive changes to form FL-306 pending further discussion and integrating with the other forms and recommends that the Judicial Council approve the technical changes needed to create the stand-alone family law form FL-306, effective January 1, 2014.

⁴See <http://www.courts.ca.gov/documents/SPR13-22.pdf> [accessed August 8, 2013].

Change to Restraining Order After Hearing (form JV-257)

The committee recommends that current form JV-255 be slightly revised and renumbered as form JV-257. This renumbering would allow both proposed form JV-255 (proposed as the *Restraining Order—Juvenile*) and renumbered form JV-257 to be included in the set of forms issued by a court in the order in which they are issued in actual proceedings.

The current *Change to Restraining Order After Hearing* (form JV-255) has a notice that the change does not modify or terminate any other family, criminal, juvenile, civil, or probate orders (item 7). The item has confused judicial officers, and the committee recommends removing it from the form. Removing it will also draw more attention to the important notice to law enforcement that the order does not require service of process to be effective.

Committee consensus

There was no disagreement expressed by any of the committee members with any of the above recommendations. While form FL-306 was part of a larger proposal that generated discussion, no specific issues were raised with regards to this form.

Comments, Alternatives Considered, and Policy Implications

The invitations to comment were circulated from April 19, 2013, through June 19, 2013, to the standard mailing list for family and juvenile law proposals. Included on the lists were appellate presiding justices, appellate court administrators, trial court presiding judges, court executive officers, judges, court clerk/administrators, attorneys, social workers, probation officers, and other family law professionals such as family law facilitators and family court services directors, managers, supervisors, and staff.

Comments received: juvenile law proposal

Of a total of seven commentators, five agreed with the proposal as circulated and two commentators agreed if modifications were made. No commentators disagreed with the proposal. See the chart of the comments and the committee's responses, attached at pages 23–33.

One commentator suggested that on the *Notice of Hearing and Temporary Restraining Order* (proposed form JV-250), in the Warnings to Restrained Person section, a sentence be added to inform the restrained person that they must bring a completed *Proof of Firearms Turned In or Sold* (form DV-800/JV-252) to the restraining order hearing if they have firearms that have been sold or surrendered. The committee recommends instead revising the form to include this instruction among the other firearms relinquishment instructions at item 8b on form JV-250.

One commentator noted that the *Visitation Order—Juvenile* (form JV-205) does not indicate who has custody of the child, and thus will not help law enforcement know who has custody (mother, father, or agency). While the committee did think this was an excellent suggestion, form JV-205 did not circulate for public comment and the committee decided this proposed amendment was both substantive and likely to create controversy, so the form cannot be revised without

circulating it for public comment.⁵ The committee did consider adding custody orders to the restraining order forms themselves, but decided that revising form JV-205 was the preferred approach. Because of the current safety threats in at least one very large county, however, the committee recommends proceeding with the recommendations in this report now. This comment about form JV-205 will be further discussed by the committee.

One commentator suggested that on both the *Notice of Hearing and Temporary Restraining Order—Juvenile* (revised form JV-250, item 3) and the *Application and Order for Reissuance of Temporary Restraining Order—Juvenile* (revised form JV-251, item 8) that the committee replace “All orders will end on the date and time shown in the box above unless the court extends the time” with “All orders will end at midnight on the date shown in the box above unless otherwise ordered.” The commentator noted that if the temporary order ended at the time of the hearing, it would expire in most cases at 9:00 a.m. or 1:30 p.m., depending on when the docket begins, even if the case has not yet been called, leaving the victim sitting in the courthouse without protection. Given the often lengthy waits in juvenile court, the committee recommends revising the form so that temporary orders expire at the end of the scheduled hearing. The committee also recommends revising the box on form JV-250 (item 2) that points to the hearing date by adding “& Time” to the existing phrase (“Hearing Date”) to avoid any confusion.

One commentator asked if the peaceful contact exceptions for orders issued out of family or probate court that are listed for wards (items 6b and 6c on revised form JV-250) should also be listed in the dependency visitation items. The committee is aware of an infrequent situation where this may be necessary—when the restrained person is seeking visitation with a non-dependent child who resides in the same household as a protected dependent child. The committee decided that adding the peaceful contact exceptions for orders issued out of other courts would add much confusion and take up too much space (possibly adding a fifth page to the form). On balance, the committee decided to recommend not revising the form further; any orders concerning orders issued from other courts can be listed in item 10, “Other orders.”

Comments received: revised form FL-306

Form FL-306 circulated for public comment as part of a separate proposal titled Family Law: Request for Order Rules and Forms. Of a total of four commentators, one agreed with the proposed changes to form FL-306 as presented and three did not indicate a position but proposed a few substantive revisions to improve the form. No commentators disagreed with the revisions proposed by the committee and task force. As previously noted, the committee and task force have decided to defer action on the comments requesting substantive changes.

Alternatives considered and policy implications

Option 1. The committee considered not revising rules 5.620, 5.625, and 5.630 and the juvenile restraining order forms. Doing so, however, would have continued safety risks to the people

⁵ Cal. Rules of Court, rule 10.22.

protected by restraining orders issued by the juvenile court and would continue to cause local courts significant inconvenience and cost to revise or redo the orders rejected by sheriff's departments.

Option 2. In spring 2011, the committee considered revoking all the juvenile restraining order forms and circulating at the next cycle a rule requiring the use of the existing DV forms in juvenile proceedings. This option was not feasible for numerous reasons, including that the people who can be protected are different, the people present at the hearing are different, and the juvenile court cannot make at least 11 of the many orders that exist on the DV forms under section 213.5. Additionally, using the DV forms would increase court workload because of the large number and length of these forms.

Option 3. The committee considered and now recommends the revisions as outlined and for the reasons discussed above in the recommendation and rationale for recommendation.

Implementation Requirements, Costs, and Operational Impacts

The court impact of this proposal is minimal. The amended rules and revised forms create no requirements for the courts or justice partners that were not already mandated by the Welfare and Institutions Code or the California Rules of Court.

In implementing the revised forms, courts will incur standard reproduction costs and retraining of affected staff. In addition, some courts may incur costs to reprogram case management systems in those jurisdictions where the court completes the forms electronically. No new hearings or court processes are created by this proposal.

One commentator stated, "This proposal would not be cumbersome or difficult to implement in a court our size. Even though our county is very large and some training would be required, the new forms are much easier to prepare and understand for the participants, the attorneys, the judiciary and law enforcement." (See attached chart of comments, commentator #5.)

Attachments and Links

1. California Rules of Court, rules 5.620, 5.625, and 5.630, at pages 9–10
2. Forms JV-250, JV-251, JV-255, JV-257, and FL-306 at pages 11–22
3. Attachment A: comment chart for comments received on SPR 13-28, Juvenile Law: Restraining Orders, at pages 23–33
4. Attachment B: comment chart for comments received on *Application and Order for Reissuance of Request for Order and Temporary Emergency Orders* (Family Law—Governmental—Uniform Parentage—Custody and Support) (revised form FL-306), at pages 34–35
5. Link to Welfare and Institutions Code section 213.5:
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC§ionNum=213.5.

Rules 5.620, 5.625, and 5.630 of the California Rules of Court are amended, effective January 1, 2014, to read:

9

1 **Rule 5.620. Orders after filing under section 300**

2
3 (a) * * *

4
5 (b) **Restraining orders (§ 213.5)**

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7 After a petition has been filed under section 300, and until the petition is dismissed
8 or dependency is terminated, the court may issue restraining orders as provided in
9 rule 5.630. ~~The restraining orders~~ A temporary restraining order must be prepared
10 on Notice of Hearing and Temporary Restraining Order—Juvenile (CLETS) (form
11 JV-250). An order after hearing must be prepared on Restraining Order—Juvenile
12 (form JV-255).

13
14 (c)–(e) * * *

15
16 **Rule 5.625. Orders after filing of petition under section 601 or 602**

17
18 (a) **Restraining orders (§ 213.5)**

19
20 After a petition has been filed under section 601 or 602, and until the petition is
21 dismissed or wardship is terminated, the court may issue restraining orders as
22 provided in rule 5.630. ~~The restraining orders~~ A temporary restraining order must
23 be prepared on Notice of Hearing and Temporary Restraining Order—Juvenile
24 (CLETS—JUV) (form JV-250). An order after hearing must be prepared on
25 Restraining Order—Juvenile (form JV-255).

26
27 (b) * * *

28
29 **Rule 5.630. Restraining orders**

30
31 (a)–(c) * * *

32
33 (d) **Applications—procedure**

34
35 The application may be submitted without notice, and the court may grant the
36 petition and issue a temporary order.

37
38 (1) * * *

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40 (2) The temporary restraining order must be prepared on Notice of Hearing and
41 Temporary Restraining Order—Juvenile (CLETS—JUV) (form JV-250) and
42 must state on its face the date of expiration of the order.

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44 (e) **Reissuance**

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46 (1)–(2) * * *

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(3) Either Application and Order for Reissuance of ~~Order to Show Cause~~ Temporary Restraining Order—Juvenile (form ~~FL-306~~ JV-251) or a new Notice of Hearing and Temporary Restraining Order—Juvenile (form JV-250) must be used for this purpose.

(f) Hearing on application for restraining order

- (1) * * *
- (2) The order after hearing must be prepared on *Restraining Order—Juvenile* (~~CLETS—JUV~~) (form ~~JV-250~~ JV-255) and must state on its face the date of expiration of the order.

(g) Service of restraining order

When service of *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) or *Restraining Order—Juvenile* (form JV-255) is made, it must be served with a blank *Proof of Firearms Turned In or Sold* (form DV-800/JV-252) and *How Do I Turn In or Sell Firearms?* (form DV-800-INFO/JV-252-INFO). Failure to serve form JV-252 or JV-252-INFO does not make service of form JV-250 or form JV-255 invalid.

(h)–(i) * * *

(j) Modification of restraining order

- (1) ***
- (2) A termination or modification order must be made on *Change to Restraining Order After Hearing* (form ~~JV-255~~ JV-257). A new Restraining Order—Juvenile (form JV-255) may be prepared in addition to form JV-257.

(k) * * *

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	Draft Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
NOTICE OF HEARING <input type="checkbox"/> AND TEMPORARY RESTRAINING ORDER—JUVENILE	CASE NUMBER: JUVENILE: FAMILY:

1. Protected persons

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to Child</u>
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2. Restrained person

Full Name: _____			
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____
Race: _____	Age: _____	Date of Birth: _____	
Address (<i>if known</i>): _____			
City: _____	State: _____	Zip: _____	

3. Expiration date/Notice of court hearing

A court hearing is scheduled on the request for restraining orders against the person in item 2. Any temporary orders granted will expire at the end of the hearing scheduled for the date and time shown in the box below unless otherwise ordered. At the hearing, the judge may make restraining orders that could last up to three years.

<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;"> Hearing Date & Time </div>	→ Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above: <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
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CASE NAME:	CASE NUMBER:
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4. Hearing on this temporary restraining order
- a. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____
- b. Judicial officer (*name*): _____
- c. Persons and attorneys present (*names*): _____

5. Temporary orders (*select one*):
- a. Granted. The court has granted the temporary orders that are checked below.
- b. Not granted. No temporary orders are granted pending the scheduled hearing in item 3.

THE COURT FINDS AND ORDERS

6. Restrained person (child in delinquency proceedings) (*Complete either 6 or 7, not both.*)
- a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b. may have peaceful contact with the protected persons in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____ issued on (*date*): _____, as an exception to the "no-contact" provision in item 6a of this order.
- c. may have peaceful contact with the protected persons in item 1 only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 6a on this order.

7. Restrained person (other than child in delinquency proceeding) (*Complete either 6 or 7, not both.*)
- a. **must not do the following things to the person or persons in item 1:**
- (1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace.
- (2) Contact, 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 e-mail, by text message, by fax, or by other electronic means.
 except for visitation as indicated in c below.
- b. **must stay away** at least (*specify*): _____ yards from
- (1) protected person or persons in item 1, except for visitation as indicated in c below.
- (2) home of person or persons in item 1.
- (3) job or workplace of person or persons in item 1.
- (4) vehicle of person or persons in item 1.
- (5) school of person or persons in item 1.
- (6) the children's school or child care.
- (7) Other (*specify*): _____
 except for visitation as indicated in c below.
- c. has the right to visit the minor children named in item 1 as follows:
- (1) None
- (2) Visitation according to the attached schedule (*Form JV-205 must be attached if any visitation is ordered.*)
- d. **must move** immediately from (*address*): _____

and take only personal clothing and belongings.
- e. must NOT take any action to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.

CASE NAME:	CASE NUMBER:
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8. **No guns or other firearms or ammunition** (Applies only if box 5a is checked on this form.)

- a. The restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The restrained person must
 - sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (Proof of Firearms Turned In or Sold (form DV-800/JV-252) may be used for the receipt.)
 - bring a copy of the receipt or Proof of Firearms Turned In or Sold (form DV-800/JV-252) to the hearing listed in item 3.
- c. The court has received information that the restrained person owns or possesses a firearm.

9. The protected persons have the right to record communications made by the restrained person that violate the judge's orders.

10. **Other orders** (specify):

11. A criminal protective order on form CR-160 is in effect as follows:

Case number: _____ (expiration date): _____ County (if known): _____

12. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel.

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

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name: _____

13. Service of temporary order

- a. Restrained person was present at the time the order was made. No further service is needed.
- b. Restrained person was not present at the time the order was made. This order must be served.

14. Service of this notice of hearing must be at least five or (specify): _____ days before the hearing.

Date:

JUDICIAL OFFICER

CASE NAME:	CASE NUMBER:
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Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. If box 5a is checked, the court issued a temporary restraining order, which means you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of order by mail. If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in item 2. If this address is not correct, or to find out if the orders were made permanent, contact the court.

Instruction for Law Enforcement

Applicable only if box 5a is checked.

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

Conflicting orders. If a criminal protective order (form CR-160) conflicts with a juvenile restraining order (form JV-250), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Pen. Code, § 136.2.) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Certificate of Compliance With VAWA for Temporary Orders

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of those jurisdictions.**

CLERK’S CERTIFICATE

[SEAL]

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

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	Draft Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
APPLICATION AND ORDER FOR REISSUANCE OF TEMPORARY RESTRAINING ORDER—JUVENILE	CASE NUMBER:

1. Name of applicant:
2. Applicant requests the court to reissue the *Temporary Restraining Order—Juvenile* that was issued on (*date*):
3. The last hearing date was (*date*):
4. Applicant requests reissuance of the orders because
 - a. person to be restrained could not be served as required before the hearing date.
 - b. other (*specify*):

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

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

ORDER

5. THE COURT ORDERS that the *Temporary Restraining Order—Juvenile* as shown in item 2 above and any orders listed are reissued unless this order changes them. The hearing is reset as follows:

Date:	Time:	Dept.:	Room:
at the street address of the court shown above.			

6. Other (*specify*):
7. a. Person to be restrained present at the hearing. No further service needed.
 b. Person to be restrained not present. This order must be served.
8. **All orders will end at the end of the hearing scheduled for the date and time shown in the box above unless otherwise ordered.**

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	Draft Not approved by Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
RESTRAINING ORDER—JUVENILE Order After Hearing	CASE NUMBER: JUVENILE: FAMILY:

1. **Protected person or persons**

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Relationship to Child</u>
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2.

Full Name:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height:	Weight:	Hair Color:	Eye Color:
Race:	Age:	Date of Birth:			
Address (<i>if known</i>):		State:	Zip:		
City:					

3. **Order after hearing**

- a. This order after hearing expires on (*date and time*):
- If no expiration date is written, the restraining order ends three years after the date of the hearing, as indicated below.
 - If no time is written, the restraining order ends at midnight on the expiration date.

b. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____

c. Judicial officer (*name*): _____

d. Persons and attorneys present (*names*): _____

e. Restrained person present. No further service needed.

f. Restrained person not present. This order must be served.

(1) The judge's orders in this form are the same as in the prior temporary restraining order except for the expiration date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.

(2) The judge's orders are different from those in the prior temporary restraining order. An adult 18 years or older—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

CASE NAME:	CASE NUMBER:
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THE COURT FINDS AND ORDERS

4. Restrained person (child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of the person or persons in item 1.
- b. may have peaceful contact with the protected persons named above only for the safe exchange of children for court-ordered visitation as stated in the attached Family, Juvenile, or Probate court order in Case No. _____, issued on *(date)*: _____, as an exception to the "no-contact" provision in item 4a of this order.
- c. may have peaceful contact with the protected persons named above only for the safe exchange of children for visitation as stated in a Family, Juvenile, or Probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 4a on this order.
5. Restrained person (other than child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- a. **must not do the following things to the person or persons in item 1:**
- (1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace
- (2) Contact, 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 e-mail, by text message, by fax, or by other electronic means
 except for visitation as indicated in c below
- b. **must stay away** at least *(specify)*: _____ yards from
- (1) protected person or persons in item 1, except for visitation as indicated in c below.
- (2) home of person or persons in item 1.
- (3) job or workplace of person or persons in item 1.
- (4) vehicle of person or persons in item 1.
- (5) school of person or persons in item 1.
- (6) the children's school or child care.
- (7) Other *(specify)*: _____
 except for visitation as indicated in c below
- c. has the right to visit the minor children named in item 1 as follows:
- (1) None
- (2) Visitation according to the attached schedule *(Form JV-205 must be attached if any visitation is ordered.)*
- d. must move immediately from *(address)*: _____
 _____ and take only personal clothing and belongings.
- e. must NOT take any action to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. If this box is not checked, the court has found good cause not to make this order.
6. **No guns or other firearms or ammunition**
- a. Restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. Restrained person must
- sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control. This must be done within 24 hours of being served with this order.
 - file a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. *(Proof of Firearms Turned In or Sold (form DV-800/JV-252) may be used for the receipt.)*
- c. The court has received information that the restrained person owns or possesses a firearm.
7. A criminal protective order on form CR-160 is in effect as follows:
- Case number: _____ *(expiration date)*: _____ County *(if known)*: _____
8. The protected persons have the right to record communications made by the restrained person that violate the judge's orders.

CASE NAME:	CASE NUMBER:
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9. **Other orders** (*specify*):

10. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name:

Date:

JUDICIAL OFFICER

Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Instruction for Law Enforcement

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

Conflicting orders. If a criminal protective order (form CR-160) conflicts with a juvenile restraining order (form JV-255), a law enforcement agency must enforce the criminal order. Even if the criminal order is older, the officer must still enforce it over the juvenile order. (Pen. Code, § 136.2.) Any nonconflicting terms of the juvenile custody or visitation order remain in full force. An emergency protective order (form EPO-001) that is in effect between the same parties and that is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

CASE NAME:1	CASE NUMBER:
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Certificate of Compliance With VAWA for Orders After Hearing

This protective order meets all full faith and credit requirements of the Violence Against Women Act (18 U.S.C. § 2265) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of those jurisdictions.**

CLERK'S CERTIFICATE

[SEAL]

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

Date: _____ Clerk, by _____, Deputy

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (<i>Name</i>): _____	<p>Draft Not approved by Judicial Council</p>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME: _____	CASE NUMBER: JUVENILE:
CHANGE TO RESTRAINING ORDER AFTER HEARING—JUVENILE	RELATED CASES (<i>if any</i>):

1. **Name of protected person(s):**

2. **Name of restrained person:**

3. **Restraining order after hearing issued on (*date*):**

a. Termination of restraining order after hearing (*order must be attached.*)

b. **Modification of orders (*order must be attached.*)**

(1) Persons no longer protected

Each following person is no longer a protected person on the restraining order after hearing:

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>
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(2) Modified visitation order. The modified visitation order is attached on form JV-205.

(3) Other modifications:

This order does not require service of process to be effective.

CASE NAME:	CASE NUMBER:
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8. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CARPOS through CLETS directly.
- b. The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name:

Date:

JUDICIAL OFFICER

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
1.	Hon. L. Michael Clark Superior Court Judge Superior Court of Santa Clara County	AM	<p>I agree with the proposed changes to Rules 5.620 and 5.625. I also agree with the need to modify Forms JV-250, 251, 255, 257. I propose the following changes to the forms.</p> <p>1. JV-250 Notice of Hearing and TRO, page 1, Box which describes restrained person – MODIFY so that the information to be listed is the same as the box used on the DV-130 form; and then insert the same modified box on JV-255 so they match.</p> <p>2. JV-250 Notice of Hearing and TRO, page 2, paragraph 7.b. – at the end of the stay-away section, ADD “Except for visitation as indicated in c below.” This language is included in the no-contact section above, but should also be included in the stay-away section as an option for the court to consider.</p> <p>3. JV-250 Notice of Hearing and TRO, page 2, paragraph 7.c.2 regarding visitation – this section directs the applicant to attach a JV-205 Visitation Order – Juvenile. However, the JV-205 in and of itself does not indicate who has custody of the child, since it is designed as an attachment to the JV-200 Custody Order. Therefore the JV-205 will not help law enforcement know who has custody of the child</p>	<p>No response required.</p> <p>The information in the box describing the restrained person on JV-250 is the same information and in the same order as the description box on DV-130. The only difference is the JV-250 does not contain an item for “relationship to protected person” which is not necessary in juvenile proceedings. The committee has revised <i>Restraining Order-Juvenile</i> (form JV-255) to mirror the description box in form JV-250.</p> <p>The committee has revised the form to include an exception for visitation in the stay-away order.</p> <p>This form did not circulate for public comment, and thus, the committee cannot revise it at this time. Because of the current safety threats in at least one very large county, however, the committee wants to proceed with this proposal. This is an excellent comment and will be addressed in a future cycle.</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>(mother, father or child welfare agency). Not sure how to fix this on the JV-205.</p> <p>4. JV-250 Notice of Hearing and TRO, page 3 – ADD language regarding protection for pets. You can use the same language contained in form DV-130 “Animals – Possession and Stay Away.”</p> <p>5. JV-250 Notice of Hearing and TRO, page 4 – under “Warnings to the Restrained Person,” paragraph two – ADD sentence which informs restrained person they must bring a completed Form JV-252 Proof of Firearms Turned In or Sold to the restraining order hearing if they have firearms which have been sold or surrendered.</p> <p>6. JV-250 Notice of Hearing, page 1, paragraph 3 -- REPLACE “All orders will end on the date and time shown in the box above unless the court extends the time” with “All orders will end at midnight on the date shown in the box above unless otherwise ordered.” Otherwise the TRO will expire in most cases at 9am or 1:30 p.m., depending on when the docket begins, even if the case has not yet been called, leaving the victim sitting in the courtroom without protection.</p> <p>7. JV-251 Reissuance, page 1, paragraph 8: REPLACE “All orders will end on the date and</p>	<p>Restraining orders in juvenile proceedings are governed by Welf. & Inst. Code, §213.5 which does not authorize the court to make orders regarding possession and stay-away for pets.</p> <p>The committee has revised form JV-250 to include an instruction that the restrained person must bring a completed <i>Proof of Firearms Turned In or Sold</i> (form JV-252) to the restraining order hearing if they have firearms which have been sold or surrendered. The committee has added this instruction to item 8b which contains other instructions regarding firearms relinquishment.</p> <p>For the safety reasons noted by the commentator, the committee has revised the JV-250 so that temporary orders expire at the end of the scheduled hearing unless otherwise ordered. The committee has revised the form to add “& time” to the box that points to the hearing date to avoid any confusion about the hearing date and time.</p> <p>For the safety reasons noted by the commentator, the committee has revised the JV-251 so that</p>

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Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>time shown in the box above unless the court extends the time” with “All orders will end at midnight on the date shown in the box above unless otherwise ordered.” Same rationale as above.</p> <p>8. JV-255 Restraining Order – Juvenile – Order After Hearing - page 1, Box which describes restrained person – MODIFY so that the information to be listed is the same as the box used on the DV-130 form; and then insert the same modified box on JV-255 so they match.</p> <p>9. JV-255 Restraining Order – Juvenile – Order After Hearing - page 2 – ADD language regarding protection for pets. You can use the same language contained in form DV-130 “Animals – Possession and Stay Away.”</p> <p>10. JV-255 Restraining Order – Juvenile – Order After Hearing - page 3, under “Warnings to the Restrained Person,” second paragraph - ADD sentence which informs restrained person they must file a completed Form JV-252 Proof of Firearms Turned In or Sold to the restraining order hearing if they have firearms which have been sold or surrendered.</p> <p>11. Additional comment: While the form JV-245 Request for Order – Juvenile is not out for</p>	<p>temporary orders expire at the end of the hearing unless otherwise ordered.</p> <p>The information in the box describing the restrained person on JV-250 and JV-255 is the same information and in the same order as the description box on DV-130. The only difference is the JV-250 does not contain an item for “relationship to protected person” which is not necessary in juvenile proceedings.</p> <p>Restraining orders in juvenile proceedings are governed by Welf. & Inst. Code, §213.5 which does not authorize the court to make orders regarding pets.</p> <p>The committee has revised the temporary restraining order form to include this instruction. However, regarding JV-255, the hearing will have already occurred when these orders are issued, so it is too late to order the restrained person to bring proof of firearms turned in. An instruction that the restrained person must file a receipt is included in item 6 of the form, with the other firearms orders.</p> <p>This form did not circulate for public comment, and thus, the committee cannot revise it at this</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>comment, this form needs several revisions to make it more user-friendly and similar to the DV-100. Paragraph 6 on page 2 “Description of Conduct” should be modified so that it reads like the prompt in the DV-100 Request for Domestic Violence Restraining Order (paragraph 25, “Describe Abuse: Describe how the person in 2 abused you. Abuse means”</p> <p>12. Further, JV-245, paragraph 8.f. on page 3, regarding firearms should be re-written to highlight the inquiry as to whether the person to be restrained has any firearms. Currently the inquiry is buried at the end of the section and in my experience no one sees it. The JV-245 should use the same language found in DV-100, paragraph 9, and require the applicant to check “yes,” “no,” or “I don’t know” whether the person to be restrained has any firearms.</p>	<p>time. The committee will consider these comments if the form is circulated for comment in a future cycle.</p> <p>This form did not circulate for public comment, and thus, the committee cannot revise it at this time. The committee will consider these comments if the form is circulated for comment in a future cycle.</p>
2.	Los Angeles County Counsel’s Office By Jim Owens	A	The proposal does achieve the stated purpose. It promotes public safety. Our office agrees with the proposed changes.	No response required.
3.	Orange County Bar Association By Wayne R. Gross	A		No response required.
4.	San Bernardino County Probation By Maria Camacho	A	<p>Based on the information found in the Invitation to comment SPR 13-28 from the Judicial Council of California, please find a response to the specific questions posed.</p> <p>A. Should the current Restraining Order-Juvenile (form JV-250) be separated into two</p>	No response required.

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>forms, Notice of Hearing and Temporary Restraining Order-Juvenile (form JV-250) and Restraining Order-Juvenile (form JV-255)? The current restraining order –Juvenile form JV-250 that went into effect January 1, 2012 doesn't contain a section to mark if the person to be restrained was present at the hearing. The sheriff's department is therefore either rejecting the order completely and not entering it into the California Restraining and Protective system (CARPOS). Revising the forms and developing two forms will make the juvenile restraining forms easier for law enforcement to read and enforce. It will also have a section to mark if the restrained person was present. Separating the forms will increase the courts efficiency and would more closely mirror protective order forms used in other proceedings.</p> <p>B. Should the current Application and Order for Reissuance of Request for Order or Restraining Order (Juvenile or Order to Show Cause (form FL-306/JV-251) be separated into two forms, one for use in family law proceedings and one for use in juvenile restraining order proceedings? Based on the information received on the Proposal prepared by the advisory committee, presently the combined forms FL-306/JV-251 has been confusing to both judicial officers and self-represented litigants. The two separate forms will clarify what orders are appropriate at each</p>	<p>No response required.</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>type of proceeding and will increase the courts efficiency and ensure accurate orders. In reviewing the two forms, JV-250 has eliminated some sections that are seen on the FL-306/Jv-251 which make the form simpler for the applicant to understand and complete.</p> <p>C. Should the list of prohibited means of contact be expanded to mirror the order found in Temporary Restraining Order (EA-110)? The list of prohibited means of contact for current restraining order forms should be expanded to mirror the order found in Temporary Restraining Order (EA-110), which has the most expansive list of prohibited types of contact. These means of contact would expand the “by mail or otherwise” to in “any way, including but not limited to, in person, by telephone, in writing, by; public or private mails, by interoffice mail, by e-mail, by text mail, by fax, or by other electronic means” This change would make the order consistent with other protective forms.</p>	<p>The committee agrees with this comment and will revise the forms as circulated for public comment, with an expanded list of prohibited means of contact.</p>
5.	Superior Court of Los Angeles County By Jacqueline H. Lewis	AM	<p>Comments on Modifying Restraining Orders</p> <p>After consulting with the Los Angeles Sheriff’s Department personnel and the clerk’s office for the Juvenile Division of the LA Superior Court, my comments are stated below.</p> <p>1) The proposal does reasonably achieve the stated purpose.</p>	<p>No response required.</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>2) I believe that the proposal would have a positive impact on the public’s access to the courts because the forms are easier to understand and use.</p> <p>3) The proposal does promote public safety because currently many of the restraining orders, especially the temporary restraining orders are not being imputed in CLETs as served restraining orders even though the person was at the hearing and served because of the problems with the current forms. The fact that orders are not showing as served to law enforcement does not allow law enforcement to arrest on violations of those orders and puts the victims at unnecessary risk.</p> <p>4) Separating the temporary restraining order forms and the permanent restraining order forms allows for simplicity and clarity in both those forms.</p> <p>5) Because the law governing restraining orders issued by the family law court through the DVPA is different from the law governing restraining orders issued by the juvenile court under WIC 213.5, it is a good idea for the application for reissuance to be separate.</p> <p>6) Given the expanding modes of communication, the list of prohibited</p>	<p>No response required.</p> <p>No response required.</p> <p>The committee will revise the forms as circulated for public comment, and separate the temporary and permanent restraining order form into two separate forms.</p> <p>The committee will revise the forms as circulated for public comment, and separate the family law and juvenile reissuance form into two separate forms.</p> <p>The committee will revise the forms as circulated for public comment, and the list of prohibited</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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

	Commentator	Position	Comment	Committee Response
			<p>means of contact should be expanded to mirror the order found in Temporary Restraining Order (EA-110).</p> <p>7) The proposal would not really have a cost savings other than the time the clerks have used to redo and reissue restraining orders returned to the court by the Sheriff’s Department because they are not clear. In addition, it would save time for law enforcement in regards to returning orders for modification.</p> <p>8) The implementation for the court would consist of training the clerks, the attorneys and the judiciary on the use of the new forms.</p> <p>9) Two months would be sufficient time for implementation.</p> <p>10) This proposal would not be cumbersome or difficult to implement in a court our size. Even though our county is very large and some training would be required, the new forms are much easier to prepare and understand for the participants, the attorneys, the judiciary and law enforcement.</p> <p>The only other comments I have are in regards to the forms themselves:</p> <p>Regarding the Temporary Restraining Order</p>	<p>means of contact will be expanded to mirror <i>Temporary Restraining Order</i> (form EA-110).</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p> <p>No response required.</p>

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Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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	Commentator	Position	Comment	Committee Response
			<p>(JV-250)</p> <p>#2 It would be better if the person’s name was in the box. It is often overlooked when it is out of the box and the restrained person’s name is vital to the information that must be included in a temporary restraining order.</p> <p>#6b & c Do these two lines also apply to #7?</p> <p>Regarding the Restraining Order (JV-255)</p>	<p>The committee has amended this form so that the restrained person’s name is inside the box to ensure the restrained person’s name is included on the order.</p> <p>No. Since the juvenile court has exclusive jurisdiction to hear custody matters of a dependent child under Welf. & Inst. Code, §304, no other court would make custody or visitation orders. The same is not true for a delinquent child. Additionally, the delinquent child may also be a parent requesting visitation in a family law matter. The committee is aware of an infrequent situation where this may be necessary—when the restrained person is seeking visitation with a non-dependent child who resides in the same household as a protected dependent child. The committee decided that adding the peaceful contact exceptions for orders issued out of other courts would add much confusion and take up much space (possibly adding a fifth page) to the form. On balance, the committee decided to not revise the form; any orders regarding orders issued from other courts can be listed in item 10, “Other orders”.</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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	Commentator	Position	Comment	Committee Response
			<p>#2 Why does this have a different format that the one on the temporary restraining order? It makes training more difficult and it is the same information.</p> <p>#4 b & c Do these two lines also apply to # 5?</p> <p>Regarding Change to Restraining Order After Hearing (JV-257)</p> <p>Top of the form should be consistent with the restraining orders and have Case name vs. Child’s name</p>	<p>The committee will revise this form to mirror the description box on the JV-250, which also mirrors the description box on the other protective order forms.</p> <p>No. Since the juvenile court has exclusive jurisdiction to hear custody matters of a dependent child under Welf. & Inst. Code, §304, no other court would make custody or visitation orders. The same is not true for a delinquent child. Additionally, the delinquent child may also be a parent requesting visitation in a family law matter. The committee is aware of an infrequent situation where this may be necessary—when the restrained person is seeking visitation with a non-dependent child who resides in the same household as a protected dependent child. The committee decided that adding the peaceful contact exceptions for orders issued out of other courts would add much confusion and take up much space (possibly adding a fifth page) to the form. On balance, the committee decided to not revise the form; any orders regarding orders issued from other courts can be listed in item 10, “Other orders”</p> <p>The committee has revised this form to be consistent with the restraining order forms, and has changed “Child’s name” to “Case name”.</p>

SPR13-28

Juvenile Law: Restraining Orders (Amend California Rules of Court, rules 5.620, 5.625, and 5.630; revise and renumber Judicial Council forms FL-306/JV-251 as JV-251 and JV-255 as JV-257; adopt new form JV-255; and revise forms JV-250 and FL-306/JV-251)

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	Commentator	Position	Comment	Committee Response
			<p>Related Cases should change to Family: to be consistent with restraining order forms.</p> <p>#4 and #5 should be a and b of #3 for termination of the order or modification of the order being subdivisions. They should both have a box to check so it is clear whether the court is terminating or modifying and the order should be attached for both).</p>	<p>The committee has revised this form to replace “Related cases” with “Family” to be consistent with the restraining order forms.</p> <p>The committee has revised this form so that each item that is a variation of a modification order has a checkbox and is listed under item 3, which lists the date of the restraining order that is being modified.</p>
6.	Superior Court of San Diego	A		No response required.
7.	Superior Court of Tulare County	A	In agreement with the proposed updated policies and Judicial Counsel forms. This would ensure the most updated information is being utilized by the agency and County Clerk.	No response required.

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Family Law: Improvements to Request for Order Rules and Forms

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Form FL-306		
Commentator	Comment	Committee and Task Force Response
Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	FL-306- under 6b, we use "court mediator" or "family court services" but does the phrasing used here need to conform with what we use in FL-300 items 2 and 5 ("child custody services")?	Given the urgency in separating form FL-306/JV-251 into two forms, effective January 1, 2014, the Family and Juvenile Law Advisory Committee has decided to defer action on the comments suggesting substantive changes to form FL-306 and recommend that the Judicial Council approve the technical changes needed to create the stand-alone family law form FL-306.
Superior Court of Los Angeles County	At item 3 on the form, we propose that the language be changed to say "The orders were originally issued on, or the Request for Order was originally filed on (Date) :" This is clearer in those instances where no temporary orders were issued. Similarly, at item 4, we propose that the language be changed to read "The last scheduled hearing date was (date) :" This is clearer in those instances where no hearing has yet been held, there has just been a hearing scheduled.	Given the urgency in separating form FL-306/JV-251 into two forms, effective January 1, 2014, the Family and Juvenile Law Advisory Committee has decided to defer action on the comments suggesting substantive changes to form FL-306 and recommend that the Judicial Council approve the technical changes needed to create the stand-alone family law form FL-306.
Superior Court of Shasta County Stacy Larson Family Law Facilitator	The FL-306 should include a box in which the bench officer re-approves the former Order Shortening Time (OST). Too often, an OST is granted for good cause with the initial Request for Orders (RFO), but the reissuance has nowhere to request a second OST with the reissuance. Unless the litigant is savvy enough to go to the bottom of the form and write in the judge's order for an OST, he/she loses the OST provision, frequently making it impossible to accomplish timely service. It would be helpful to include a note on this form, perhaps at the bottom of the page, instructing litigants (again) that a copy of this form must be attached to the original moving papers and served on the other party or parties.	Given the urgency in separating form FL-306/JV-251 into two forms, effective January 1, 2014, the Family and Juvenile Law Advisory Committee has decided to defer action on the comments suggesting substantive changes to form FL-306 and recommend that the Judicial Council approve the technical changes needed to create the stand-alone family law form FL-306.

SPR13-22**Family Law: Improvements to Request for Order Rules and Forms**

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Form FL-306		
Commentator	Comment	Committee and Task Force Response
TCPJAC/CEAC Joint Rules Committee TCPJAC/CEAC	JRWG recommends that form FL-306 be approved as presented.	No response required.