

**Invitation to Comment**

|         |  |
|---------|--|
| Title   | Protective Orders: School Site and Workplace Violence Prevention Forms (adopt forms SV-100, SV-102, SV-109, SV-110, SV-120, WV-102, WV-109, and WV-220; approve forms SV-100-INFO, SV-120-INFO, SV-200, SV-200-INFO, SV-220, SV-250, SV-800, WV-120-INFO, and WV-200-INFO; revise form WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132) |
| Summary | A new set of protective order forms would be adopted for use in preventing school site violence under Code of Civil Procedure section 527.85. The protective order forms used for preventing workplace violence under Code of Civil Procedure section 527.8 would be revised to be in a more easily readable, plain-language format.   |
| Source  | Civil and Small Claims Advisory Committee<br>Hon. Dennis M. Perluss, Chair   |
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**Proposal: Overview**

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

The proposal would also revise the protective order forms used to prevent workplace violence under section 527.8. Those forms were developed before most of the protective order forms were revised to be in plain language. There are persuasive reasons for presenting the new school violence and revised workplace violence prevention forms together for public consideration and comment. The new school violence prevention statute was closely modeled after the workplace violence statute and many of the

provisions in the two statutes are identical. Accordingly, the proposed forms have many features in common. Comments on a form used in one type of proceeding often are applicable to the forms used in the other. To the extent possible, it makes sense for the two sets of forms to be similar.

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

The captions in these forms also reflect that these proceedings are brought by employers or school administrators. In a departure from the previous formatting of captions, attorneys are asked in the captions to provide their e-mail addresses and fax numbers without these being described parenthetically as “optional.” This change is similar to the change previously made to the rules on captions for papers filed with the court (see Cal. Rules of Court, rule 2.111(1)); however, in the proposed protective order forms, the parenthetical phrase “if available” would not be used before the space for an e-mail address. Comments are invited on whether the description of e-mail addresses *of attorneys* as “optional” should be eliminated not only in these forms, but on all protective order forms. In other protective order proceedings where persons are generally self-represented, the captions relating to the self-represented persons would continue to indicate that providing telephone numbers is optional.

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

**Petitions, Responses, and Information Forms (forms SV-100, SV-100-INFO, SV-120, SV-120-INFO, WV-100, WV-100-INFO, WV-120, and WV-120-INFO)**

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

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

Confidential *CLETS Information* forms would be adopted for each of these types of proceedings. The information about mailing addresses in the second paragraph of previous versions of this form has been omitted as redundant; that information is provided to the petitioner elsewhere. The extra space has been used to provide more space at the bottom of the page to list other persons to be protected.<sup>1</sup>

### **Notices of Hearing and Temporary Restraining Orders (forms SV-109, SV-110, WV-109, and WV-110)**

Similar to the recently revised domestic violence forms,<sup>2</sup> the school site violence and workplace violence forms would include separate forms for *Notice of Hearing* and *Temporary Restraining Order*.

The *Notice of Hearing* forms would have a place for the judicial officer to indicate if the requests for orders were (1) all granted, (2) all denied until the court hearing, or (3) partly granted and partly denied. The forms would also have a place where the court can explain its reasons for denying some or all of the orders requested.

If all the requests are denied, then no temporary restraining order would be issued or served on the respondent. Only the *Notice of Hearing* would be served. This feature of the forms is intended to be an improvement over the previous combined hearing and order forms used in protective order proceedings under which, even if all of a request for orders was denied, a copy of the order—generally with much crossed-out or overwritten text—was always served together with the notice of hearing.

Separating the hearing and order forms should reduce the confusion for law enforcement and respondents that has sometimes been created by the serving of combined hearing and order forms. However, some courts have expressed concerns about the separate forms—and more specifically about what should be done with unsigned proposed temporary restraining orders submitted by parties or their attorneys, but not used because the request for orders was denied in its entirety. Comments are invited on this issue and how to resolve it.

The *Temporary Restraining Order* forms are designed to be issued and served only if the court grants at least some part of the request for orders. These forms prominently state on the first page that the order expires on the date of the hearing. Each specific type of orders

1 A proposed rule regarding the CLETS Information form is also being circulated at this time. The rule would expressly state that petitioners must submit this form to the court, that the information on the form is confidential, and that only certain specified persons are allowed access to that information.

2 See Judicial Council report at [www.courtinfo.ca.gov/jc/documents/reports/102309itema42.pdf](http://www.courtinfo.ca.gov/jc/documents/reports/102309itema42.pdf).

within the temporary order (for example, personal conduct orders and stay-away orders) has a place where the court can indicate whether the orders are (1) granted, (2) not granted, (3) or not requested. This is intended to make the orders clearer and easier to understand for the parties and law enforcement. It is designed to prevent the need on some current protective orders forms to cross-out or write over the text of particular orders.

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

### **Restraining Orders After Hearing (forms SV-130 and WV-130)**

The orders after hearing prominently indicate on the first page the expiration date of the order. They also include a statement that, if there is no expiration date, the order expires three years from the date of issuance.

These orders provide a place for the court to indicate who was present at the hearing. They also include an item where the court indicates whether (1) both the respondent and the other employee or student were present at the hearing, so no other proof of service is required; or (2) the respondent did not attend the hearing and specified means of service of the order are required.

Like the temporary orders, the orders after hearing have places where the court ruling on each set of requests for orders can indicate whether that set of orders was (1) granted, (2) not granted, (3) or not requested.

### **Proofs of Service (forms SV-200, SV-200-INFO, SV-220, SV-250, WV-200, WV-200-INFO, WV-220, and WV-250)**

Proof of service forms and accompanying instructions would be made available for both the school site violence and the workplace violence forms.

### **Proof of Firearms Turned in or Sold (forms SV-800 and WV-800)**

Forms would be approved for use by restrained persons to show that they have turned in or sold their firearms.

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

Clerk stamps date here when form is filed.

**DRAFT**  
**March 24, 2010**

**Not Approved by the Judicial Council**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

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

of (name of private postsecondary educational institution):  
\_\_\_\_\_

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

Address (Skip this if you have a lawyer.):  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax No: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax No: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

Sex  M  F Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Residence Address (if known): \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

Employment Address (if known): \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip \_\_\_\_\_

**This is not a Court Order.**

**4 Additional Protected Persons**

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

Yes  No If yes, list those persons below:

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to student</u> |
|------------------|------------|------------|--|----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |

Additional protected persons are listed in Attachment 4a.

b. Why do these people need protection?  Response is set forth in Attachment 4b.

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

**5 Relationship of Student and Respondent**

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

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

b. Respondent  is  is not a current student of petitioner (*explain if respondent is a student*):

Response is set forth in Attachment 5b.

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

**6 Venue**

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

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

**7 Other Court Cases**

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

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

**This is not a Court Order.**



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

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

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

**8 Description of Respondent's Conduct**

a. Respondent has (check one or more):

- (1)  assaulted the student      (2)  battered the student      (3)  stalked the student  
(4)  made a credible threat of violence against the student by making knowing or willful statements, or engaging in a course of conduct, that served no legitimate purpose and that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

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

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

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 set forth in Attachment 8c.

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

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

Response is set forth 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 set forth in Attachment 8e.

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

**This is not a Court Order.**



f. For any of the incidents described above, did the police come?  Yes  No

If yes, did the student or the respondent receive an Emergency Protective Order?  Yes  No

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

- a.  The student
- b.  The respondent
- c.  One or more of the persons in ④

Attach a copy of the order if you have one.

**Check the orders you want.**

**⑨  Personal Conduct Orders**

a. I ask the court to order the respondent **not** to make threats of violence to the student or any other protected person listed in ④.

b. Specifically, I ask the court to order the respondent **not** to:

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

**⑩  Stay-Away Orders**

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

- (1)  The student's residence
- (2)  The student's job or workplace
- (3)  The student's vehicle
- (4)  The student's school
- (5)  Other (specify): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Answer is set forth in Attachment 10b.

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

**This is not a Court Order.**



**11 Firearms Prohibition and Relinquishment**

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

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

**12 Immediate Orders**

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

*If you answered yes, explain why:*

Response is set forth in Attachment 12.

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

**13 Request for Less Than Five-Days' Notice**

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

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

Response is set forth in Attachment 13.

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

**14 Delivery of Orders to Law Enforcement**

The following law enforcement agencies should receive copies of all orders:

a. Name of Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

b. Name of Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional law enforcement agencies are set forth in Attachment 14.

**This is not a Court Order.**



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

### **What is a School Site Violence Prevention Order?**

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

The court can order a person to:

- Not harass or threaten the student;
- Not contact or go near the student; and
- Not have a gun.

These orders will be enforced by law enforcement agencies.

### **Who can get a School Site Violence Protection Order?**

The chief administrative officer of a 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 their students. 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**. These orders must be requested by an officer of the institution that the student attends.

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

If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see Form CH-150, *Can a Civil Harassment Restraining Order Help Me?*.

### **Whom can be protected under this law?**

Under this statute, the school officer can obtain a court order that lasts up to 3 years on behalf of a student. 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 postsecondary educational institution.

A school officer may seek protection under this law if:

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

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

1. *Petition for Orders to Stop School Site Violence* [**Petition**] Form SV-100). This form tells the judge the facts of the petitioner's case and what orders the petitioner wants the court to make.
2. *Notice of Court Hearing* Form SV-109). This form tells the parties when the hearing on the petition will be held.
3. *Temporary Restraining Order* [**TRO**] (Form SV-110). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
4. *Response to Petition for Orders to Stop School Site Violence* [**Response**] (Form SV-120). The respondent files this form to state objections to the orders that the petitioner has asked the court to make and to give his or her side.
5. *Restraining Order After Hearing to Stop School Site Violence* [**Order**] (Form SV-130). This is the form signed by the court following the hearing. The order will stay in effect 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 site violence prevention proceeding.

6. *Proof of Personal Service* (Form SV-200) and *Proof of Service of Response By Mail* (Form SV-250). These forms are used to show that the other party has been **served** with the legal documents as required by law.

### Where can I get these forms?

School site violence forms are available from the court clerk's office or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts Web site ([www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)).

### If a TRO is issued, how will the respondent know about it?

Someone over 18 years of age—**not the student** or anyone else to be protected by the order— must “serve” (give) the respondent a copy of the order. For help with service, ask the court clerk for Form SV-200-INFO, *What Is “Proof of Personal Service?”*

### How long does the order last?

If the court issues a TRO, it will last until the hearing date. At the hearing, the court will decide whether to continue or cancel the order. If the order is continued, it will last for up to three years. The petitioner can apply for a renewal.

### Should I have a lawyer?

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

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

1. You will need at least five copies of each school site violence form: one for a worksheet, the original to file with the court, a copy to be personally delivered to (**served on**) the respondent, one for the student, and one for yourself. In addition, you will need at least three extra copies of the *Notice of Court Hearing* (Form SV-109), the **Order** (Form SV-130), and the *Proof of Personal Service* (Form SV-200).

2. Fill in the **Petition** (Form SV-100) completely, and fill in items 1–3 of the *Notice of Court Hearing* (Form SV-109). If you are seeking a **TRO**, also fill out Form SV-110.
  - a. If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form. Include an e-mail address or a fax number where you may be contacted if you have either one.
  - b. Fill in the name of the county where the case will be filed and the address of the superior court.
  - c. Fill in the school name, the student's full name, and the respondent's full name. If you are seeking protection for persons other than the student, enter all of their names in item 4.
  - d. Check (“X”) all boxes that apply to your case. Read each item carefully and fill in the necessary information. Be specific.
  - e. Remember to date and sign the **Petition**.
3. If you are applying for a **TRO**, you 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 order unless both of the following requirements are satisfied:

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



4. If you are seeking court orders on the basis of information given to you by other persons (e.g., the affected student or other students), and not on the basis of what you have personally observed, you **must** attach to the **Petition** declarations by the persons who have personal knowledge of the facts that support the granting of the order. You may use Form MC-031 for the declarations.
5. 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 SV-109). 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 if the *Notice of Court Hearing* and **TRO** will be mailed to you or 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.
6. The clerk will file your papers and assign a case number. The copies will be stamped with an “endorsed-filed” stamp (showing the date of filing). The clerk will file the originals and give you the copies. **Ask for at least three endorsed-filed copies.** Keep at least one for yourself and give the others to the student and other persons, if any, who are to be protected. The copies may be needed if you have to call the police.
7. If the student does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret. You cannot ask a child under 18 or anyone else to be protected by the order to interpret.
8. If a **TRO** has been issued, ask the clerk whether you or your attorney will need to deliver an endorsed-filed copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff’s office) that you want to enforce the order. If so, do so immediately.
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. For help with service, ask the court clerk for Form SV-200-INFO, *What Is “Proof of Personal Service?”*  
  
**Service** is essential. It tells the respondent about the order and the hearing. Without it there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally **served** immediately after the orders are signed by the judge, unless the court specifies a different time for service.
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (Form SV-200). Take the signed original and the copies back to the court clerk. The clerk will file the original and stamp “endorsed-filed” on the copies. Ask the clerk whether you should take one of the endorsed-filed copies to each of the law enforcement agencies where you filed your **TRO**. Keep three endorsed-filed copies for yourself.

11. Go to court on the date the clerk gives you. 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:

- A written statement from witnesses made under oath
- Witnesses
- 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 for this.)

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

12. If the judge signs the **Order** (SV-130), file the original with the clerk and get copies stamped "endorsed-filed." Ask the clerk whether you or your attorney will need to deliver an endorsed- filed copy of the order to each law enforcement agency that you want to enforce the order. If so, do so immediately.

If the respondent was not present in court for the hearing, arrange to have him or her personally **served** with a copy of the order unless the order is the same as the **TRO** except for the termination date, in which case, you may serve the respondent by mail. File the completed *Proof of Personal Service* (Form SV-200 for personal service or Form SV-220 for service by mail) with the court. **Keep at least three copies for yourself.** Give one copy to your student, give one to each other protected person, and keep at least one for yourself.

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

14. Once the order is issued, the parties cannot agree to cancel the order. Only the judge can change or cancel it.

15. The order can be enforced anywhere in the United States and its possessions and territories. If the student moves out of California, have him or her contact the new local police so that they will know about the order.

**SV-109 Notice of Court Hearing**

1 **Petitioner (Educational Institution Officer or Employee)**  
 Name: \_\_\_\_\_  
 Attorney for Petitioner (if any): \_\_\_\_\_  
 Name: \_\_\_\_\_ State Bar #: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

2 **Student in Need of Protection**  
 Full Name: \_\_\_\_\_

3 **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

*The court will fill out the rest of this form.*

**To The Respondent**

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

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

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

Clerk stamps date here when form is filed.

**DRAFT 2 BG**  
**February 24, 2010**  
**Not Approved by the**  
**Judicial Council**

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

Fill in case number:  
 Case Number: \_\_\_\_\_

**This is a Court Order.**

**Notice of Court Hearing**  
 (School Site Violence Prevention)

Judicial Council of California, www.courtinfo.org  
 New January 1, 2011, Mandatory Form  
 Code Civ. Proc., § 527.85 Approved by DCL

SV-109, Page 1 of 3



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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

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

[Local information may be inserted.]

**SV-102**

**CLETS Information**

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

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

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can, and give it to the court clerk. The clerk will provide the confidential information on this form to CLETS, a statewide system that lets police know about your orders.

① **Case number for your restraining order (if you know it):** \_\_\_\_\_

② **Student to Be Protected (Name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
*(Mailing address listed on restraining order) (City, state, zip) (Telephone number [optional])*  
Vehicle (type, model, year): \_\_\_\_\_  
Vehicle license number and state: \_\_\_\_\_

③ **Person to Be Restrained (Name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
*(Residence address) (City, state, zip) (Telephone number)*  
*(Work place) (Occupation/title) (Work hours)*  
*(Business address) (City, state, zip) (Telephone number)*  
Driver's license number and state: \_\_\_\_\_ Vehicle license number and state: \_\_\_\_\_  
Vehicle (type, model, year): \_\_\_\_\_  
Social Security number: \_\_\_\_\_  
Describe any marks, scars, or tattoos: \_\_\_\_\_  
Other names used by the restrained person: \_\_\_\_\_  
Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

④ **Other People to Be Protected**

| <u>Name</u> | <u>Date of Birth</u> | <u>Sex</u> | <u>Race</u> |
|-------------|----------------------|------------|-------------|
| _____       | _____                | _____      | _____       |
| _____       | _____                | _____      | _____       |
| _____       | _____                | _____      | _____       |

**This is not a Court Order—Do not file in court file.**

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010**

**Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

*The court will fill out the rest of this form.*

**To The Respondent**

**4 Notice of Hearing**

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

|   |               |             |   |
|---|---------------|-------------|---|
| <div style="border: 1px solid black; border-radius: 10px; padding: 2px; display: inline-block;"> <b>Hearing<br/>Date</b> </div> | → Date: _____ | Time: _____ | Name and address of court if different from above:<br>_____<br>_____<br>_____ |
|   | Dept.: _____  | Room: _____ |   |
|   | _____         | _____       |   |

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

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

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

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

**This is a Court Order.**



b. Reasons that Temporary Restraining Orders as requested in Form SV-100, *Petition for Orders to Stop School Site Violence*, for personal conduct or stay away are denied are:

- (1)  The facts as stated in Form SV-100 do not show or describe acts of violence in sufficient detail.
- (2)  Other (*specify*)  As set forth on Attachment 4b.

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6 Service of Documents and Time for Service

**To the Petitioner**

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

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

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

**To the Respondent**

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

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

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

**This is a Court Order.**



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

(Clerk will fill out this part.)

**—Clerk’s Certificate—**

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

*Clerk’s Certificate*

[seal]



**Request for Accommodations**

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

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

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

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**  
**March 24, 2010**  
**Not Approved by the**  
**Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

Home address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4  Additional Protected Persons**

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

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to student</u> |
|------------------|------------|------------|--|----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |

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

**5 Expiration Date**

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

(Date): \_\_\_\_\_ (Time): \_\_\_\_\_  a.m.  p.m.

**This is a Court Order.**



**To the Respondent**

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

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

- a. You may not make threats of violence against the student  and each other protected person listed in **(4)**.
- b. Specifically, you are ordered not to:
  - (1)  assault, batter, or stalk the student  and other protected persons.
  - (2)  follow or stalk the student  and other protected persons during school hours or to or from the school campus or facility.
  - (3)  contact the student  and other protected persons, directly or indirectly, by **any** means including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
  - (4)  enter the workplace of the student  and other protected persons.
  - (5)  take any action to obtain the student's  and other protected persons' address or location.
  - (6)  other (*specify*): \_\_\_\_\_
- c. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

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

- a. You **must** stay at least (*specify*): \_\_\_\_\_ yards away from the student  and each other protected person listed in **(4)** and (*check all that apply*):
  - (1)  The student's home
  - (2)  The student's job or workplace
  - (3)  The student's vehicle
  - (4)  The student's school
  - (5)  Other (*specify*): \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**8 Firearms Prohibition and Relinquishment**

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

**This is a Court Order.**



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

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

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

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

10 Entry of Order into CLETS (California Law Enforcement Telecommunications System)

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

Name of Law Enforcement Agency

Address (City, State, Zip)

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve Respondent  Ordered  Not Ordered

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

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

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

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

**Warnings and Notices to the Respondent**

**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

**This is a Court Order.**



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

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

**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 following address (*insert respondent's address, if known*):

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

If that 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, contact the clerk of the court.

**Instructions for Law Enforcement**

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

**This is a Court Order.**



Case Number:

(Clerk will fill out this part.)

**—Clerk's Certificate—**

*Clerk's Certificate*  
*[seal]*

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

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

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT  
March 24, 2010****Not Approved by the  
Judicial Council****Use this form to respond to the Petition (Form SV-100)**

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

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

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

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student Seeking Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (optional): \_\_\_\_\_

Fax (optional): \_\_\_\_\_

Your lawyer (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

The court will consider your Response at the hearing. Write your hearing date, time, and place from Form SV-109 item **4** here:**Hearing Date** → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_**If you were served with a Temporary Restraining Order, you must obey it until the hearing.** If you do not come to this hearing, the court may make the orders requested against you last for up to three years.**4  Personal Conduct Orders**

- I agree to the orders requested.
- I do not agree to the orders requested.
- I agree to the following orders (specify): \_\_\_\_\_

**5  Stay-Away Orders**

- I agree to the orders requested.
- I do not agree to the orders requested.
- I agree to the following orders (specify): \_\_\_\_\_



**6**  **Firearms Prohibition and Relinquishment**

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

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

**7**  **Other Orders**

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

**8**  **Denial**

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

**9**  **Justification or Excuse**

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

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

\_\_\_\_\_  
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**10**  **No Fee for Filing**

I ask the court to waive the filing fee because the petitioner claims in Form SV-100 item **15** to be entitled to free filing.

**11**  **Costs**

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

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

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

\_\_\_\_\_  
*Lawyer's name (if any)*

\_\_\_\_\_  
*Lawyer's signature*

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

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

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

**SV-120-INFO**

**How Can I Respond to a Petition for  
Orders to Stop School Site Violence?**

**What is a School Site Violence Restraining Order?**

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

**What does the order do?**

The court can order you to:

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

**Who can ask for a School Site 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 to Stop School Site Violence. What do I do now?**

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

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

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

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

You still must obey the order until the hearing.

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

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

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

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

**Should I go to the court hearing?**

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

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

|  |   |
|--|---|
| <p>① <b>Petitioner (Educational Institution Officer or Employee)</b><br/>         Name: _____<br/>         Attorney for Petitioner (if any):<br/>         Name: _____ State Bar No.: _____<br/>         Firm Name: _____<br/>         Street Address: _____<br/>         City: _____ State: _____ Zip: _____<br/>         Telephone No.: _____ Fax No.: _____<br/>         E-Mail Address: _____</p> | <p><b>DRAFT 3 BG</b><br/> <b>March 18, 2010</b><br/> <b>Not Approved by the</b><br/> <b>Judicial Council</b></p>        |
| <p>② <b>Student in Need of Protection</b><br/>         Full Name: _____</p>  | <p><small>Fill in court name and street address:</small><br/>         Superior Court of California, County of _____</p> |
| <p>③ <b>Respondent (Person From Whom Protection Is Sought)</b><br/>         Full Name: _____</p>   | <p><small>Fill in case number:</small><br/>         Case Number: _____</p>  |

The court will fill out the rest of this form.

**To The Respondent**

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for orders against you to stop school site violence:  
 Name and address of court if different from above: \_\_\_\_\_

|                     |                    |                    |                     |                    |              |
|---------------------|--------------------|--------------------|---------------------|--------------------|--------------|
| <p>Hearing Date</p> | <p>Date: _____</p> | <p>Time: _____</p> | <p>Dept.: _____</p> | <p>Room: _____</p> | <p>_____</p> |
|---------------------|--------------------|--------------------|---------------------|--------------------|--------------|

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

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

**This is a Court Order.**

**Notice of Court Hearing**  
 (School Site Violence Prevention)

Judicial Council of California, www.courts.ca.gov  
 New January 1, 2011, Mandatory Form  
 Code Civ. Proc., §§ 527.85  
 Approved by DCU

SV-109, Page 1 of 3



**How long does the order last?**

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

**What about a lawyer?**

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

**Will I see the student at the court hearing?**

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

**Can I bring a witness to the court hearing?**

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

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

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

**What if I have a gun?**

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

**Can I agree with the student to cancel the order?**

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

**What if I am deaf or hard of hearing?**

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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

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

[Local information may be inserted]

*Clerk stamps date here when form is filed.*

**DRAFT  
MARCH 24, 2010**

**Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

Home address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4  Additional Protected Persons**

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

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to student</u> |
|------------------|------------|------------|--|----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                      |

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

**5 Expiration Date**

This Order expires at:

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

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

**This is a Court Order.**





**10 Firearms Prohibition and Relinquishment**

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

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

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

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

**12 Entry of Order into CLETS (California Law Enforcement Telecommunications System)**

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

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.  Both the respondent and the student 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.

**This is a Court Order.**

14 No Fee to Serve (Notify) Restrained Person  Ordered  Not Ordered

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

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

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

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

Judicial Officer

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 10 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

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

(Clerk will fill out this part.)

Clerk's Certificate

Clerk's Certificate [seal]

I certify that this Restraining Order After Hearing to Stop School Site Violence (CLETS-XXX) is a true and correct copy of the original on file in the court.

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

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT  
March 24, 2010****Not Approved by the  
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student in Need of Protection**

Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**4 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ① 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****5** I gave the respondent a copy of the forms checked below:

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

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

c. At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

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

## SV-200-INFO

## What Is “Proof of Personal Service”?

### What is “Service”?

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

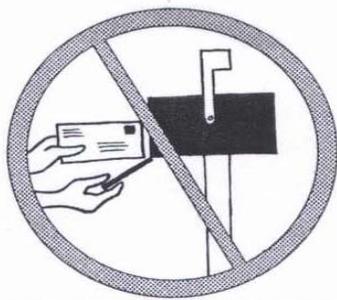
Service lets the other person know:

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

### Why do I have to get the orders served?

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

### Who can serve?



*Don't serve it by mail!*

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

The server must:

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

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

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

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

### How to serve

Ask the server to:

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

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

- If the person won't take the papers, just leave them near him or her.
- It doesn't matter if the person tears them up.

### When do the orders have to be served?

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

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

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

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

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

### Who signs the *Proof of Personal Service*?

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

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

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

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

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

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

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

**DRAFT  
March 24, 2009****Not Approved by the  
Judicial Council**

You may serve Form SV-130, Restraining Order After Hearing to Stop School Site Violence, on the respondent by mail if the respondent was not at the hearing and:

- Before the hearing, the respondent was personally served with Form SV-110, Temporary Restraining Order, and proof of service of Form SV-110 was presented to the court at the hearing;
- The judge's orders in Form SV-130 are the same as in Form SV-110 except for the expiration date.

*Fill in court name and street address:***Superior Court of California, County of***Fill in case number:***Case Number:****1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student in Need of Protection**

Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**PROOF OF SERVICE BY MAIL**

**4** I am 18 years of age or older and am a resident of or employed in the county where the mailing took place. I am not the petitioner, the student, or any person listed in item **4** of Form SV-130. I mailed the respondent a copy of:

- a. Form SV-130, *Restraining Order After Hearing to Stop School Site Violence*  
 b.  Other (specify): \_\_\_\_\_

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

- a. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_ b. On (date): \_\_\_\_\_  
 c. To this address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

\_\_\_\_\_  
*Type or print server's name*▶ \_\_\_\_\_  
*Server to sign here*

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010**

**Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

**2 Student in Need of Protection**

Name: \_\_\_\_\_

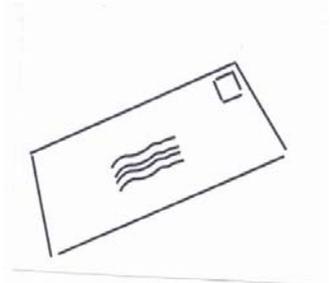
**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**4 Notice to Server**

The server must:

- Be 18 years of age or older;
- Be a resident of or employed in the county where the mailing took place;
- Not be the respondent, the student, or any person listed in item ④ of Form SV-100;
- Mail a copy of all documents checked in ⑤ below to the petitioner;
- Complete and sign this form and give it to the respondent.



**PROOF OF SERVICE BY MAIL**

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

- a. Form SV-120, *Response to Petition for Orders to Stop School Site Violence* (completed)
- b.  Other (specify): \_\_\_\_\_

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

- a. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_ b. On (date): \_\_\_\_\_
- c. To this address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

\_\_\_\_\_  
*Type or print server's name*

▶ \_\_\_\_\_  
*Server to sign here*

Clerk stamps date here when form is filed.

**DRAFT  
March 24, 2010****Not Approved by the  
Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:****1 Petitioner (Educational Institution Officer or Employee)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Student in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

**4 To the Respondent:**

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

**5 To Law Enforcement**

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

The firearms listed in **7** were turned in on:Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.To: \_\_\_\_\_  
*Name and title of law enforcement agent*\_\_\_\_\_  
*Name of law enforcement agency*\_\_\_\_\_  
*Address*

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

} \_\_\_\_\_  
*Signature of law enforcement agent*

**6 To Licensed Gun Dealer**

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

The firearms listed in **7** were sold to me on:Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.To: \_\_\_\_\_  
*Name of licensed gun dealer*\_\_\_\_\_  
*License number Telephone*\_\_\_\_\_  
*Address*

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

} \_\_\_\_\_  
*Signature of licensed gun dealer*



**7 Firearms**

|    | <u>Make</u> | <u>Model</u> | <u>Serial Number</u> |
|----|-------------|--------------|----------------------|
| 1. | _____       | _____        | _____                |
| 2. | _____       | _____        | _____                |
| 3. | _____       | _____        | _____                |
| 4. | _____       | _____        | _____                |
| 5. | _____       | _____        | _____                |

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

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

If you answered yes, have you sold or transferred those other firearms?  Yes  No

If yes, check one of the boxes below:

a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): \_\_\_\_\_

b. I am filing the proof for those firearms along with this proof.

c. I have not yet filed the proof for the other firearms. (explain why not):

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

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

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

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

\_\_\_\_\_  
*Type or print your name*

} \_\_\_\_\_  
*Sign your name*

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

Clerk stamps date here when form is filed.

**DRAFT**  
**March 24, 2010**

**Not Approved by the  
Judicial Council**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

is a  corporation  sole proprietorship  
 other (specify): \_\_\_\_\_

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

Address (Skip this if you have a lawyer.):  
\_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax No: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

Sex  M  F Age: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

Residence Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Age: \_\_\_\_\_

Employment Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Additional Protected Persons**

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

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

**This is not a Court Order.**

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

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to employee</u> |
|------------------|------------|------------|--|-----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |

Additional protected persons are listed in Attachment 4a.

b. Why do these people need protection?

Response is set forth in Attachment 4b.

\_\_\_\_\_

**5 Relationship of Employee and Respondent**

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

Response is set forth in Attachment 5a.

\_\_\_\_\_

b. Respondent  is  is not a current employee of petitioner (*explain if respondent is an employee*):

Response is set forth in Attachment 5b.

\_\_\_\_\_

**6 Venue**

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

a.  The respondent lives in this county.

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

c.  Other (*specify*): \_\_\_\_\_

**7 Other Court Cases**

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

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

**This is not a Court Order.**



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

|      | <u>Full Name</u>                                   | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to employee</u> |
|------|--|------------|------------|--|-----------------------------|
| (7)  | <input type="checkbox"/> Guardianship              | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| (8)  | <input type="checkbox"/> School Site Violence      | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| (9)  | <input type="checkbox"/> Criminal                  | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| (10) | <input type="checkbox"/> Other ( <i>specify</i> ): | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |

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

**8 Description of Respondent's Conduct**

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

- (1)  assaulted the employee    (2)  battered the employee    (3)  stalked the employee
- (4)  made a credible threat of violence against the employee by making knowing or willful statements, or engaging in a course of conduct, that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

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

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

Address of workplace: \_\_\_\_\_

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

Response is set forth in Attachment 8c.

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

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

Response is set forth 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 set forth in Attachment 8e.

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

**This is not a Court Order.**



- f. For any of the incidents described above, did the police come?  Yes  No
- If yes, did the employee or the respondent receive an Emergency Protective Order?  Yes  No

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

- a.  The employee
- b.  The respondent
- c.  The persons in ④

Attach a copy of the order if you have one.

**Check the orders you want**

⑨  **Personal Conduct Orders**

- a. I ask the court to order the respondent **not** to commit acts of unlawful violence on or make threats of violence to the employee or any other protected person listed in ④.
- b. Specifically, I ask the court to order the respondent **not** to:
  - (1)  assault, batter, or stalk the employee  and other protected persons.
  - (2)  follow or stalk the employee  and other protected persons during work hours or to or from the place of work.
  - (3)  contact the employee  and other protected persons, directly or indirectly, by **any** means including, but not limited to, in person, by telephone, in writing, by public or private mail, by e-mail, by fax, or by other electronic means.
  - (4)  enter the workplace of the employee  and other protected persons.
  - (5)  take any action to obtain the address or location of the employee  and other protected persons.
  - (6)  other *specify*): \_\_\_\_\_

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

⑩  **Stay-Away Orders**

- a. I ask the court to order the respondent to stay at least \_\_\_\_\_ yards away from the employee  each other protected person listed in ④ and (check all that apply):
  - (1)  The employee's residence
  - (2)  The employee's job or workplace
  - (3)  The employee's vehicle
  - (4)  The employee's school
  - (5)  Other (specify): \_\_\_\_\_
- b. If the court orders the respondent to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job?  Yes  No *If no, explain:*

Answer is set forth in Attachment 10b.

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

**This is not a Court Order.**



**11 Firearms Prohibition and Relinquishment**

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

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

**12 Immediate Orders**

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

*If you answered yes, explain why:*

Response is set forth in Attachment 12.

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

**13  Request for Less Than Five-Days' Notice**

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

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

Answer is set forth in Attachment 13.

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

**14 Delivery of Orders to Law Enforcement**

The following law enforcement agencies should receive copies of all orders:

a. Name of Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

b. Name of Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Additional law enforcement agencies are set forth in Attachment 14.

**This is not a Court Order.**





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

### **What is a Workplace Violence Prevention Order?**

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

The court can order a person to:

- Not harass or threaten the employee;
- Not contact or go near the employee; *and*
- Not have a gun.

These orders will be enforced by law enforcement agencies.

### **Who can get a Workplace Violence Protection Order?**

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

- 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(d).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as stated. If anyone other than the employer wishes to apply to the court for an order prohibiting harassment, see the Form CH-150, *Can a Civil Harassment Restraining Order Help Me?*.

### **Whom can an employer protect under this law?**

Under this statute, employers can obtain a court order that lasts up to 3 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, and whether such wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation and whether such 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.

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 or credible threat of violence can reasonably be construed to have been carried out in the workplace;
3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

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

1. *Petition for Orders to Stop Workplace Violence [Petition]* (Form WV-100). This form tells the judge the facts of the petitioner's case and what orders the petitioner wants the court to make.
2. *Notice of Court Hearing* (Form WV-109). This form tells the parties when the hearing on the petition will be held.
3. *Temporary Restraining Order [TRO]* (Form WV-110). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.

4. *Response to Petition for Orders to Stop Workplace Violence [Response]* (Form WV-120). The respondent files this form to state objections to the orders that the petitioner has asked the court to make and to give his or her side.
5. *Restraining Order After Hearing to Stop Workplace Violence [Order]* (Form WV-130). This is the form signed by the court following the hearing. The order will stay in effect for up to three years depending on what the judge rules.  
 These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.
6. *Proof of Personal Service* (Form WV-200) and *Proof of Service of Response By Mail* (Form WV-250). These forms are used to show that the other party has been **served** with the legal documents as required by law.

**Where can I get these forms?**

Workplace violence forms are available from the court clerk's office or from legal publishers. The clerk of the court can tell you where to get the forms. You can also obtain them on the California courts Web site ([www.courts.ca.gov/forms](http://www.courts.ca.gov/forms)).

**If a TRO is issued, how will the respondent know about it?**

Someone over 18 years of age—**not the employee** or anyone else to be protected by the order— must “serve” (give) the respondent a copy of the TRO. For help with service, ask the court clerk for Form WV-200-INFO, *What Is “Proof of Personal Service?”*

**How long does the order last?**

If the court issues a TRO, it will last until the hearing date. At the hearing, the court will decide whether to continue or cancel the order. If the order is continued, it will last for up to three years. The petitioner can apply for a renewal.

**Should I have a lawyer?**

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

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

1. You will need at least five copies of each workplace violence form: one for a worksheet, the original to file with the court, a copy to be personally delivered to (**served on**) the respondent, one for the employee, and one for yourself. In addition, you will need at least three extra copies of the *Notice of Court Hearing* (Form WV-109), the **Order** (Form WV-130), and the *Proof of Personal Service* (Form WV-200).
2. Fill in the **Petition** (Form WV-100) completely, and fill in items 1–3 of the *Notice of Court Hearing* (Form WV-109). If you are seeking a **TRO**, also fill out Form WV-110.
  - a. If you are not represented by an attorney, fill in your name, mailing address, and phone number at the top of each form. Include an e-mail address or fax number where you may be contacted if you have either one.
  - b. Fill in the name of the county where the case will be filed and the address of the superior court.
  - c. Fill in your business name, the employee's full name, and the respondent's full name. If you are seeking protection for persons other than the employee, enter all of their names in item 4.
  - d. Check (“X”) all boxes that apply to your case. Read each item carefully and fill in the necessary information. Be specific.
  - e. Remember to date and sign the **Petition**.
3. If you are applying for a **TRO**, you must give the details of the recent acts of violence or credible threats of violence and the problems they have caused your  
 To obtain a **TRO**, you must notify the respondent of the request for the order unless both of the following requirements are satisfied:
  - a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
  - b. You or your attorney certifies one of the following to the court under oath:
    - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made.



- (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them.
  - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
4. If you are seeking court orders on the basis of information given to you by other persons (e.g., the affected employee or other employees), and not on the basis of what you have personally observed, you **must** attach to the **Petition** declarations by the persons who have personal knowledge of the facts that support the granting of the order. You may use Form MC-031 for the declarations.
  5. 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 WV-109). If you are seeking a **TRO** (Form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask if the *Notice of Court Hearing* and **TRO** will be mailed to you or 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.
  6. The clerk will file your papers and assign a case number. The copies will be stamped with an "endorsed-filed" stamp (showing the date of filing). The clerk will file the originals and give you the copies. **Ask for at least three endorsed-filed copies.** Keep at least one for yourself and give the others to the employee and other persons, if any, who are to be protected. The copies may be needed if you have to call the police.
  7. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret. You cannot ask a child under 18 or anyone else to be protected by the order to interpret.
  8. If a **TRO** has been issued, ask the clerk whether you or your attorney will need to deliver an endorsed-filed copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that you want to enforce the order. If so, do so immediately.
  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. 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 *Proof of Personal Service* (Form WV-200). Take the signed original and the copies back to the court clerk. The clerk will file the original and stamp "endorsed-filed" on the copies. Ask the clerk whether you should take one of the endorsed-filed copies to each of the law enforcement agencies where you filed your **TRO**. Keep three endorsed-filed copies for yourself.



11. Go to court on the date the clerk gives you. 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:
- A written statement from witnesses made under
  - ~~w~~ith witnesses
  - 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 for this.)

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

12. If the judge signs the **Order** (Form WV-130), file the original with the clerk and get copies stamped "endorsed-filed." Ask the clerk whether you or your attorney will need to deliver an endorsed-filed copy of the order to each law enforcement agency that you want to enforce the order. If so, do so immediately.

If the respondent was not present in court for the hearing, arrange to have him or her personally **served** with a copy of the order unless the order is the same as the **TRO** except for the termination date, in which case you may serve the respondent by mail. File the completed *Proof of Personal Service* (Form WV-200 for personal service or Form WV-220 for service by mail) with the court. **Keep at least three copies for yourself.** Give one copy to your student, give one to each other protected person, and keep at least one for yourself.

13. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.
14. Once the order is issued, the parties cannot agree to cancel the order. Only the judge can change or cancel it.

**WV-109 Notice of Court Hearing**

Clerk stamps date here when form is filed.

**DRAFT 5 BG  
January 15, 2010  
Not Approved by the  
Judicial Council**

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

Fill in case number:  
Case Number: \_\_\_\_\_

**1 Petitioner (Employer)**  
Name: \_\_\_\_\_  
Attorney for Petitioner (if any):  
Name: \_\_\_\_\_ State Bar #: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_

**2 Employee in Need of Protection**  
Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**  
Full Name: \_\_\_\_\_

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

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

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

**5 Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this Notice.)  
a. Temporary Restraining Orders as requested in Form WV-100, *Request for Orders to Stop Workplace Violence*, are (check only one box below):  
(1)  All GRANTED until the court hearing.  
(2)  All DENIED until the court hearing. (Specify reasons for denial in b on the next page.)  
(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b on the next page.)

**This is a Court Order.**  
**Notice of Court Hearing**  
(Workplace Violence Prevention)

Judicial Council of California, www.courtinfo.ca.gov  
New January 1, 2010, Mandatory Form  
Code Civ. Proc., §§ 527.8 Approved by DOJ

WW-109, Page 1 of 3

15. The order can be enforced anywhere in the United States and its possessions and territories. If the employee moves out of California, have him or her contact the new local police so that they will know about the order.



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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

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

[Local information may be inserted.]

**WV-102**

**CLETS Information**

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

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

If the court issues a restraining order, this form will provide law enforcement with information that will assist them in enforcing it. Fill out as much of this form as you can, and give it to the court clerk. The clerk will provide the confidential information on this form to CLETS, a statewide system that lets police know about your orders.

1 **Case number for your restraining order (if you know it):** \_\_\_\_\_

2 **Employee to Be Protected (Name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
*(Mailing address listed on restraining order)* *(City, state, zip)* *(Telephone number [optional])*  
Vehicle (type, model, year): \_\_\_\_\_  
Vehicle license number and state: \_\_\_\_\_

3 **Person to Be Restrained (Name):** \_\_\_\_\_  
Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
*(Residence address)* *(City, state, zip)* *(Telephone number)*  
*(Work place)* *(Occupation/title)* *(Work hours)*  
*(Business address)* *(City, state, zip)* *(Telephone number)*  
Driver's license number and state: \_\_\_\_\_ Vehicle license number and state: \_\_\_\_\_  
Vehicle (type, model, year): \_\_\_\_\_  
Social Security number: \_\_\_\_\_  
Describe any marks, scars, or tattoos: \_\_\_\_\_  
Other names used by the restrained person: \_\_\_\_\_  
Describe any guns or firearms you believe the restrained person owns or has access to (number, types, and locations):  
\_\_\_\_\_  
\_\_\_\_\_

4 **Other People to Be Protected**

| <u>Name</u> | <u>Date of Birth</u> | <u>Sex</u> | <u>Race</u> |
|-------------|----------------------|------------|-------------|
| _____       | _____                | _____      | _____       |
| _____       | _____                | _____      | _____       |
| _____       | _____                | _____      | _____       |
| _____       | _____                | _____      | _____       |

**This is not a Court Order—Do not file in court file.**

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010  
Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

*The court will fill out the rest of this form.*

**To The Respondent**

**4 Notice of Hearing**

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

|                           |              |  |
|---------------------------|--------------|--|
|                           |              | Name and address of court if different from above: |
| <b>Hearing<br/>Date</b> → | Date: _____  | Time: _____  |
|                           | Dept.: _____ | Room: _____  |

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

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

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

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

**This is a Court Order.**



b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, for personal conduct or stay away are denied are:

- (1)  The facts as stated in Form WV-100 do not show or describe acts of violence in sufficient detail.
- (2)  Other (*specify*)  As set forth on Attachment 4b.

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6 Service of Documents and Time for Service

To the Petitioner

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

- a. WV-100, *Petition for Orders to Stop Workplace Violence* (endorsed-filed)
- b.  WV-110, *Temporary Restraining Order (CLETS)* (endorsed-filed) **IF GRANTED**
- c. WV-120, *Response to Petition for Orders to Stop Workplace Violence* (blank form)
- d. WV-250, *Proof of Service of Response by Mail* (blank form)
- e. WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*
- f.  Other (*specify*): \_\_\_\_\_

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

To the Respondent

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

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

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

This is a Court Order.

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

(Clerk will fill out this part.)

**—Clerk’s Certificate—**

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

*Clerk’s Certificate*

[seal]



**Request for Accommodations**

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

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

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

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT**  
**March 24, 2010**  
**Not Approved by the**  
**Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

Attorney for Petitioner *(if any)*:

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

Description:

|  |                  |               |                      |
|--|------------------|---------------|----------------------|
| Sex: <input type="checkbox"/> M <input type="checkbox"/> F | Height: _____    | Weight: _____ | Date of Birth: _____ |
| Hair Color: _____  | Eye Color: _____ | Age: _____    | Race: _____          |
| Home address (if known): _____                             |                  |               |                      |
| City: _____  | State: _____     | Zip: _____    |                      |

**4  Additional Protected Persons**

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

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to employee</u> |
|------------------|------------|------------|--|-----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |

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

**5 Expiration Date**

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

|               |               |                               |                               |
|---------------|---------------|-------------------------------|-------------------------------|
| (Date): _____ | (Time): _____ | <input type="checkbox"/> a.m. | <input type="checkbox"/> p.m. |
|---------------|---------------|-------------------------------|-------------------------------|

**This is a Court Order.**



**To the Respondent**

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

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

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

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

- a. You **must** stay at least (*specify*): \_\_\_\_\_ yards away from the employee  and each other protected person listed in **4** and (*check all that apply*):
  - (1)  The employee's home
  - (2)  The employee's job or workplace
  - (3)  The employee's vehicle
  - (4)  The employee's school
  - (5)  Other (*specify*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

**8 Firearms Prohibition and Relinquishment**

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

**This is a Court Order.**



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

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

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

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

10 Entry of Order into CLETS (California Law Enforcement Telecommunications System)

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

Name of Law Enforcement Agency

Address (City, State, Zip)

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

11 No Fee to Serve Respondent  Ordered  Not Ordered

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

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

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

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

**Warnings and Notices to the Respondent**

**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 8 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

**This is a Court Order.**

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

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

**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 following address (*insert respondent's address, if known*):

\_\_\_\_\_

\_\_\_\_\_

If that 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, contact the clerk of the court.

**Instructions for Law Enforcement**

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

**This is a Court Order.**



Case Number:

(Clerk will fill out this part.)

**—Clerk's Certificate—**

*Clerk's Certificate*  
[seal]

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

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

**This is a Court Order.**

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010**

**Not Approved by the  
Judicial Council**

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

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

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

**2 Employee Seeking Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (*optional*): \_\_\_\_\_

Fax (*optional*): \_\_\_\_\_

Your lawyer (*if you have one*):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

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

**Hearing Date** Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

**4  Personal Conduct Orders**

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

**5  Stay-Away Orders**

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



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

**6**  **Firearms Prohibition and Relinquishment**

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

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

**7**  **Other Orders**

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

**8**  **Denial**

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

**9**  **Justification or Excuse**

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

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

\_\_\_\_\_  
\_\_\_\_\_  
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**10**  **No Fee for Filing**

I ask the court to waive the filing fee because the petitioner claims in Form WV-100 item **15** to be entitled to free filing.

**11**  **Costs**

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

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

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

\_\_\_\_\_  
*Lawyer's name (if any)* } \_\_\_\_\_  
*Lawyer's signature*

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

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

\_\_\_\_\_  
*Type or print your name* } \_\_\_\_\_  
*Sign your name*

**WV-120-INFO**

**How Can I Respond to a Petition for  
Orders to Stop Workplace Violence?**

**What is a Workplace Violence Restraining Order?**

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

**What does the order do?**

The court can order you to:

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

**Who can ask for a Workplace Violence Restraining Order?**

An employer on behalf of an employee who is worried about his or her safety because he or she is being:

- Stalked
- Assaulted or battered
- Harassed
- Intimidated or threatened with violence

**I've been served with a Petition to Stop Workplace Violence. What do I do now?**

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

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

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

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

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form WV-120, *Response to Petition for Orders to Stop School Site Violence*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk’s office or on the California Courts Web site: [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

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

Yes. Have someone—not you—mail a copy of completed Form WV-120 to the person named in item 1 of the petition 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 WV-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

**Should I go to the court hearing?**

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

**WV-109 Notice of Court Hearing**

Clerk stamps date in here when form is filed.

**DRAFT 7 BG  
March 18, 2010  
Not Approved by the  
Judicial Council**

**1 Petitioner (Employer)**  
Name: \_\_\_\_\_  
Attorney for Petitioner (if any):  
Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
Firm Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Fill in court name and street address:  
Superior Court of California, County of \_\_\_\_\_

**2 Employee in Need of Protection**  
Full Name: \_\_\_\_\_  
Fill in case number:

**3 Respondent (Person From Whom Protection Is Sought)**  
Full Name: \_\_\_\_\_  
Case Number: \_\_\_\_\_

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

**4 Notice of Hearing**  
A court hearing is scheduled on the request for orders against you to stop workplace violence:  
Name and address of court if different from above:

Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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

**1 Temporary Restraining Orders** (Any orders granted are on Form WV-110, served with this Notice.)  
a. Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, are (check only one box below):  
(1)  All GRANTED until the court hearing.  
(2)  All DENIED until the court hearing. (Specify reasons for denial in §§ on the next page.)  
(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in §§ on the next page.)

**This is a Court Order.**

**Notice of Court Hearing  
(Workplace Violence Prevention)**

Judicial Council of California 000000000000  
New January 1, 2011 Mandatory Form  
Title §§ 527.8, 527.9  
Approved by JCS WV-109, Page 1 of 3



**How long does the order last?**

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

**What about a lawyer?**

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

**Will I see the employee at the court hearing?**

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

**Can I bring a witness to the court hearing?**

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

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

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

**What if I have a gun?**

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

**Can I agree with the employee to cancel the order?**

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

**What if I am deaf or hard of hearing?**

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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

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

[Local information may be inserted]

*Clerk stamps date here when form is filed.*

**DRAFT**  
**March 24, 2010**  
**Not Approved by the Judicial Council**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

Attorney for Petitioner *(if any)*:

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

*Fill in court name and street address:*

**Superior Court of California, County of**

*Court fills in case number when form is filed.*

**Case Number:**

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

Description:

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_

Home address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4  Additional Protected Persons**

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

| <u>Full Name</u> | <u>Sex</u> | <u>Age</u> | <u>Household member?</u>                                 | <u>Relation to employee</u> |
|------------------|------------|------------|--|-----------------------------|
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |
| _____            | _____      | _____      | <input type="checkbox"/> Yes <input type="checkbox"/> No | _____                       |

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

**5 Expiration Date**

This Order expires at:

*(time)*: \_\_\_\_\_  a.m.  p.m. or  midnight on *(date)*: \_\_\_\_\_

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

**This is a Court Order.**

**6 Hearing**

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

These people were at the hearing:

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

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

**To the Respondent**

**The court has 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.**

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

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

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

- a. You **must** stay at least (specify): \_\_\_\_\_ yards away from the employee  and each other protected person listed in **(4)** and (check all that apply):
  - (1)  The employee's home                      (5)  Other (specify): \_\_\_\_\_
  - (2)  The employee's job or workplace      \_\_\_\_\_
  - (3)  The employee's vehicle                      \_\_\_\_\_
  - (4)  The employee'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.**

**10 Firearms Prohibition and Relinquishment**

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

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

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

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

**12 Entry of Order into CLETS (California Law Enforcement Telecommunications System)**

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

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.  Both the respondent and the employee 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.

**This is a Court Order.**



14 No Fee to Serve (Notify) Restrained Person  Ordered  Not Ordered

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

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

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

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

Judicial Officer

Warning and Notice to the Respondent

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item 10 above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

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

(Clerk will fill out this part.)

Clerk's Certificate

Clerk's Certificate [seal]

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

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

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT  
March 24, 2010****Not Approved by the  
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

**2 Employee in Need of Protection**

Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**4 Notice to Server**

The server must:

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

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

- WV-100, *Petition for Orders to Stop Workplace Violence*
- WV-109, *Notice of Court Hearing*
- WV-110, *Temporary Restraining Order (CLETS)*
- WV-120, *Response to Petition for Orders to Stop Workplace Violence* (blank form)
- WV-120-INFO, *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*
- WV-130, *Restraining Order After Hearing to Stop Workplace Violence*
- WV-800, *Proof of Firearms Turned In or Sold* (blank form)
- Other (*specify*): \_\_\_\_\_

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

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

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

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

## WV-200-INFO

## What Is “Proof of Personal Service”?

### What is “Service”?

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

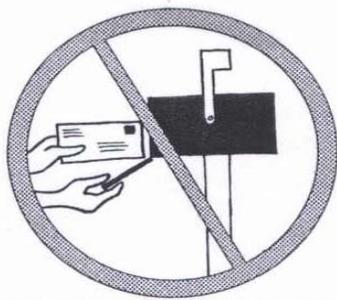
Service lets the other person know:

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

### Why do I have to get the orders served?

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

### Who can serve?



*Don't serve it by mail!*

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

The server must:

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

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

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

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

### How to serve

Ask the server to:

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

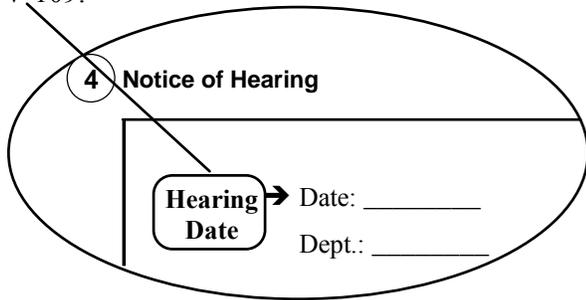
**What if the person won’t take the papers or tears them up?**

- If the person won’t take the papers, just leave them near him or her.
- It doesn’t matter if the person tears them up.

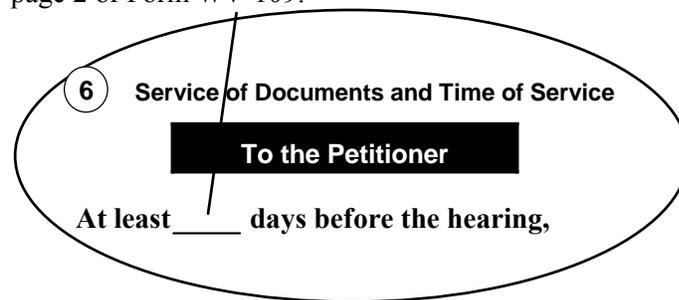
**When do the orders have to be served?**

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

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



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



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

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

**Who signs the *Proof of Personal Service*?**

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

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

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

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

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

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

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

**DRAFT  
March 24, 2010****Not Approved by the  
Judicial Council**

You may serve Form WV-130, Restraining Order After Hearing to Stop Workplace Violence, on the respondent by mail if the respondent was not at the hearing and:

- Before the hearing, the respondent was personally served with Form WV-110, Temporary Restraining Order, and proof of service of Form WV-110 was presented to the court at the hearing;
- The judge's orders in Form WV-130 are the same as in Form WV-110 except for the expiration date.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

**2 Employee in Need of Protection**

Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**PROOF OF SERVICE BY MAIL**

- 4** I am 18 years of age or older and am a resident of or employed in the county where the mailing took place. I am not the petitioner, the employee, or any person listed in item **4** of Form WV-130. I mailed the respondent a copy of:

- a. Form WV-130, *Restraining Order After to Stop Workplace Violence*  
 b.  Other (specify): \_\_\_\_\_

- 5** I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_ b. On (date): \_\_\_\_\_  
 c. To this address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

\_\_\_\_\_  
Type or print server's name\_\_\_\_\_  
Server to sign here

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010**

**Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

**2 Employee in Need of Protection**

Name: \_\_\_\_\_

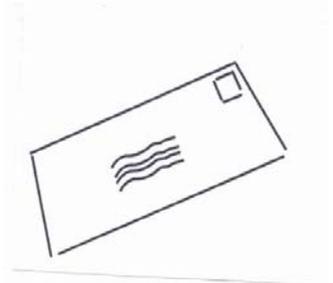
**3 Respondent (Person From Whom Protection Is Sought)**

Name: \_\_\_\_\_

**4 Notice to Server**

The server must:

- Be 18 years of age or older;
- Be a resident of or employed in the county where the mailing took place;
- Not be the Respondent, the employee, or any person listed in item ④ of Form WV-100;
- Mail a copy of all documents checked in ⑤ below to the Petitioner;
- Complete and sign this form and give it to the Respondent.



**PROOF OF SERVICE BY MAIL**

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

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

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

- a. Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_ b. On (date): \_\_\_\_\_
- c. To this address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**7 Server's Information**

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

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

\_\_\_\_\_  
*Type or print server's name*

▶ \_\_\_\_\_  
*Server to sign here*

*Clerk stamps date here when form is filed.*

**DRAFT  
March 24, 2010**

**Not Approved by the  
Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

*Fill in case number:*

**Case Number:**

**1 Petitioner (Employer)**

Name: \_\_\_\_\_

Attorney for Petitioner (if any):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Employee in Need of Protection**

Full Name: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_

**4 To the Respondent:**

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

**5 To Law Enforcement**

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

The firearms listed in 7 were turned in on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name and title of law enforcement agent*

\_\_\_\_\_  
*Name of law enforcement agency*

\_\_\_\_\_  
*Address*

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

▶ \_\_\_\_\_  
*Signature of law enforcement agent*

**6 To Licensed Gun Dealer**

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

The firearms listed in 7 were sold to me on:

Date: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

To: \_\_\_\_\_  
*Name of licensed gun dealer*

\_\_\_\_\_  
*License number Telephone*

\_\_\_\_\_  
*Address*

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

▶ \_\_\_\_\_  
*Signature of licensed gun dealer*



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

**7** Firearms

|    | <u>Make</u> | <u>Model</u> | <u>Serial Number</u> |
|----|-------------|--------------|----------------------|
| 1. | _____       | _____        | _____                |
| 2. | _____       | _____        | _____                |
| 3. | _____       | _____        | _____                |
| 4. | _____       | _____        | _____                |
| 5. | _____       | _____        | _____                |

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

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

If you answered yes, have you sold or transferred those other firearms?  Yes  No

If yes, check one of the boxes below:

- a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): \_\_\_\_\_
- b. I am filing the proof for those firearms along with this proof.
- c. I have not yet filed the proof for the other firearms. (explain why not):
  - Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "WV-800, Item 8c" for a title.

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

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

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

\_\_\_\_\_  
*Type or print your name*

▶ \_\_\_\_\_  
*Sign your name*

## Item SPR10-43 Response Form

**Title:** **Protective Orders: School Site and Workplace Violence Prevention Forms**  
(adopt forms SV-100, SV-100-INFO, SV-102, SV-109, SV-110, SV-120, SV-120 INFO, SV-130, SV-200, SV-200-INFO, SV-220, SV-250, and SV-800; adopt forms WV-102, WV-109, WV-120-INFO, WV-200-INFO, and WV-220; revise forms WV-100; revise and renumber forms WV-150-INFO, WV-120, WV-110, WV-140, WV-130, WV-131, and WV-145 as forms WV-100-INFO, WV-110, WV-120, WV-130, WV-200, WV-250, and WV-800; and revoke form WV-132)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

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

- Commenting on behalf of an organization**

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

**City, State, Zip:** \_\_\_\_\_

### **To Submit Comments**

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/>

**Email:** [invitations@jud.ca.gov](mailto:invitations@jud.ca.gov)

**Mail:** Ms. Camilla Kieliger  
Judicial Council, 455 Golden Gate Avenue  
San Francisco, CA 94102

**Fax:** (415) 865-7664, Attn: Camilla Kieliger

|   |
|---|
| <b>DEADLINE FOR COMMENT: 5:00 p.m., Friday, June 18, 2010</b> |
|---|

*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.*