



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 15, 2019

Title	Agenda Item Type
Rules and Forms: Miscellaneous Technical Changes	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms CH-110, CH-130, CH-160, CH-165, JV-682, JV-683, POS-040, and SC-300	March 15, 2019
Recommended by	Date of Report
Judicial Council staff	February 6, 2019
Susan R. McMullan, Supervising Attorney	Contact
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Executive Summary

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

Recommendation

Judicial Council staff recommend that the Judicial Council, effective March 15, 2019, revise:

1. *Temporary Restraining Order* (form CH-110) to add one additional line to Item 3, “Additional Protected Persons,” to create parallel construction to *Request for Civil Harassment Restraining Orders* (form CH-100), which has four lines for Item 3, to ensure the petitioner carries their additional protected persons forward from the CH-100 to form CH-110.

2. *Civil Harassment Restraining Order After Hearing* (form CH-130) to add two additional lines to Item 3, “Additional Protected Persons,” to create parallel construction to *Request for Civil Harassment Restraining Orders* (form CH-100), which has four lines for Item 3, to ensure the petitioner carries their additional protected persons forward from the CH-100 to form CH-130.
3. *Request to Keep Minor’s Information Confidential* (form CH-160) at the first paragraph of instructions on the first page of the form, to replace the incorrect reference to “domestic violence restraining order” with “civil harassment restraining order.”
4. *Order on Request to Keep Minor’s Information Confidential* (form CH-165), Item 6, to replace the incorrect reference to “Attachment (2)(b)” with “Attachment 6.”
5. *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Child Younger Than 18 Years of Age* (form JV-682). The form is missing check boxes. There should be a check box that lists Welfare and Institutions Code section 450(a)(1), as well as check boxes in front of items 17a.(3) and 17a.(4). The addition of these check boxes does not change the substance of the form or implement any substantive legal change; in fact, item 9a.(1) references the distinction that should also be contained in Item 17. The purpose of the revisions to these forms in 2018 was to implement legislation that allows young people who were convicted of a crime related to commercial sexual exploitation (CSEC) to continue in extended foster care. The addition of the check boxes to this form simply clarifies whether the young person is a former CSEC youth or not.
6. *Findings and Orders After Hearing to Modify Delinquency Jurisdiction to Transition Jurisdiction for Ward Older Than 18 Years of Age* (form JV-683). The form would be more clear if there were check boxes in front of items 16a and 16b. Adding these two checkboxes does not change the form in any material way or make any substantive legal change. It simply enables the court to more clearly identify which of two subsections applies to allow the court to continue jurisdiction.
7. *Proof of Service—Civil* (form POS-040). Revise the hours during which service may be made at a party’s residence, stated in item 6a. on the form, to between 8 a.m. and 8 p.m. (the form currently states 6 p.m. as the latest time), to comply with recently amended Code of Civil Procedure section 1011(b)(1), effective upon approval.
8. *Petition for Writ (Small Claims)* (form SC-300). Revise the citation in the footer on the first page of the form to reflect the correct rules of court relevant to the form, rules 8.970–8.977, effective upon approval. These rules are correctly cited in the accompanying information sheet (form SC-300-INFO), but are not correct in the footer of the form itself.

The revised forms are attached at pages 4–44.

Relevant Previous Council Action

Although the Judicial Council has acted on these rules and forms, this proposal recommends only minor corrections unrelated to any prior action.

Analysis/Rationale

The changes to these forms are technical in nature and necessary to correct inadvertent omissions and incorrect references.

Policy implications, comments, and alternatives considered

These proposals were not circulated for public comment because they are noncontroversial, involve technical revisions, and are therefore within the Judicial Council's purview to adopt without circulation. (See Cal. Rules of Court, rule 10.22(d)(2).)

Fiscal and Operational Impacts

Operational impacts are expected to be minor. The proposed revisions may result in reproduction costs if courts provide hard copies of any of the forms recommended for revision. Because the proposed changes are technical corrections, case management systems are unlikely to need updating to implement them.

Attachments and Links

1. Forms CH-110, CH-130, CH-160, CH-165, JV-682, JV-683, POS-040, and SC-300, at pages 4-44

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

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① Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

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: _____
Relationship to Protected Person: _____			

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person 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 Protected Person</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	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

The court will complete the rest of this form.

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

Date: _____	Time: _____	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
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This is a Court Order.



To the Person in ② :

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

⑤ Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must **not** do the following things to the person named in ①
 - and to the other protected persons listed in ③:
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person’s address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other (*specify*):
 - Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

⑥ Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

- a. You must stay at least _____ yards away from (*check all that apply*):
 - (1) The person in ①
 - (2) Each person in ③
 - (3) The home of the person in ①
 - (4) The job or workplace of the person in ①
 - (5) The school of the person in ①
 - (6) The school of the children of the person in ①
 - (7) The place of child care of the children of the person in ①
 - (8) The vehicle of the person in ①
 - (9) Other (*specify*):
 - _____
 - _____
 - _____

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

⑦ No Guns or Other Firearms and Ammunition

- 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 or store with 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.

This is a Court Order.



(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)

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

8 Possession and Protection of Animals

Not Requested Denied Until the Hearing Granted as Follows (specify):

a. The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. (Identify animals by, e.g., type, breed, name, color, sex.)

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

9 Other Orders

Not Requested Denied Until the Hearing Granted as Follows (specify):

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

To the Person in ① :

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

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

This is a Court Order.



11 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 unlawful violence, a credible threat of violence, or stalking.
- b. The person in **1** is entitled to a fee waiver.

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 2

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 or store with 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 **7** above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in **1**.
- You must have form CH-120 served by mail on the person in **1** or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order.



- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

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Person in ① must complete items ①, ②, and ③ only.

① Protected Person

- a. Your Full Name: _____
Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

Full Name: _____
Description:

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

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<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	_____

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

④ Expiration Date

This Order, except for any award of lawyer's fees, expires at

Time: _____ a.m. p.m. 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.



5 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) The person in ①. (3) The lawyer for the person in ① *(name)*: _____
 (2) The person in ②. (4) The lawyer for the person in ② *(name)*: _____
 Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Person in ②:

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

6 Personal Conduct Orders

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

7 Stay-Away Orders

- a. You **must** stay at least _____ yards away from *(check all that apply)*:
- (1) The person in ①. (7) The place of child care of the children of the person in ①.
 (2) Each person in ③.
 (3) The home of the person in ①. (8) The vehicle of the person in ①.
 (4) The job or workplace of the person in ①. (9) Other *(specify)*: _____
 (5) The school of the person in ①. _____
 (6) The school of the children of the person in ①. _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



8 No Guns or Other Firearms and Ammunition

- 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:
 - Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*
- c. The court has received information that you own or possess a firearm.
- d. The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **(2)** is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*: _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in **(2)** may be subject to federal prosecution for possessing or controlling a firearm.

9 Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

- lawyer's fees costs:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

- Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Possession and Protection of Animals

- a. The person in **(1)** is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

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

11 Other Orders (specify):

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

This is a Court Order.



To the Person in ①:**⑫ Mandatory Entry of Order Into CARPOS Through CLETS**

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

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in ① or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

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

⑬ Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
 - (1) Proof of service of form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in ② 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 CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

⑭ No Fee to Serve (Notify) Restrained Person

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

- a. The Order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in ① is entitled to a fee waiver.

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

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Restrained Person in 2:**You Cannot Have Guns or Firearms**

Unless item 8d is checked, 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 or store with 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.

Instructions for Law Enforcement**Enforcing the Restraining Order**

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

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: *(See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)*

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk's Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

When do I use this form?

Complete this form if you want the court to keep information about a minor in a civil harassment restraining order proceeding confidential and not available to the public or the restrained person. If you only want to keep your home address confidential, you may use a mailing address on your other forms rather than using this form.

What if there is information I don't want the restrained person to have?

You can make this request at item **(8)** if you want to ask the court to keep information confidential from the restrained person. If the court grants your request to keep certain information confidential from the restrained person, the information will have to be blacked out from all forms before the restrained person gets a copy. But be aware that if the court denies your request, the information may be provided to the restrained person.

Who will see this form?

The public will NOT have access to this form.
The restrained person will have access to the entire form unless the court grants the request made in item **(8)** below.

DRAFT
**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 Parties in This Case

- a. Person who requested restraining order (form CH-100, item **(1)**):
Full Name: _____
- b. Person from whom protection is sought (form CH-100, item **(2)**):
Full Name: _____

2 Person Making Request for Confidentiality

- a. Full Name: _____
- b. I am:
 - (1) The minor requesting confidentiality.
 - (2) The parent legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

- Name: _____
- Name: _____
- Name: _____
- Name: _____

Check here if there are additional minors. Attach a sheet of paper and write "Attachment 2b(2)—
Additional Minors" for a title.

This is not a Court Order.



3 Contact Information

- a. Your lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

- b. Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Requests for More Than One Minor (ONLY for parents or legal guardians)

I am making this request for two or more minors.

- a.
-
- The information I want confidential (as checked in item
- 5**
-) is the SAME for all minors.
-
- b.
-
- The information I want confidential (as checked in item
- 5**
-) is NOT the same for all minors.

If you checked b, make sure you list all the information you want confidential for each minor in **5**. If you need more space in **5**, attach a separate piece of paper.

5 Information to Be Kept Confidential from the Public

I want the information checked below to be made confidential and NOT available to the public.

Check ALL that apply:

- a.
-
- Minor's name**

(Note: If your request is granted, the public will not have access to your name in this case, but the restrained person and law enforcement must be given this information.)

- b.
-
- Minor's address**

The address I want kept confidential is: _____

(Note: You do NOT have to make this request if you use a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.)

-
- Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5b" for the title.

This is not a Court Order.

c. **Information relating to the minor**

(Note: If information relating to the minor is made confidential by the court, the public will not have access to this information but the restrained person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) Attach a copy of form CH-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) List the information below, identifying the location of the statements in form CH-100 or other document that you are filing.

Location of Information <i>(for example, form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	Information to Be Redacted <i>(not viewable by the public)</i>

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5c(2)" for a title.

(a) _____

(b) _____

(c) _____

(d) _____

This is not a Court Order.



7 If any portion of the request for confidentiality from the public (item 5) is denied, I want to (check one):

a. **Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). I understand that cancelling my request means that I will not receive a restraining order at this time. *(Note: You may file a request on the same or different facts at a later date.)*

b. **Move forward with my request for restraining order**

I ask the court to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). *(Note: Choosing this option means that the information in your request for restraining order (form CH-100) and other related documents and forms will be available to the public and must be seen by the restrained person unless you make a request in item 8 and the court approves the request.)*

8 Information to Be Kept Confidential from the Restrained Person

(Note: The restrained person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the restrained person to have access to some of the information checked in item 5.

a. What information do you want to be confidential and not given to the restrained person?

(1) Minor's name

(2) Minor's address

(3) Other information relating to the minor from item 5

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8a(3)" for a title.

(specify):

b. Why should the information listed in (a) be kept confidential and not given to the restrained person?

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8b" for a title.

c. What do you think would happen if the information listed in (a) is given to the restrained person?

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

This is not a Court Order.



d. If any portion of the request for confidentiality from the restrained person (item 8) is denied, I want to:

(1) **Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). I understand that cancelling my request means that I will not receive a restraining order at this time. (Note: You may file a request on the same or different facts at a later date.)

(2) **Move forward with my request for restraining order**

I ask the court to make a decision on my *Request for Civil Harassment Restraining Orders* (form CH-100). (Note: Choosing this option means that all of the information in your request for restraining order (form CH-100) must be seen by the restrained person.)

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

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

Clerk stamps date here when form is filed.

DRAFT
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:

- CONFIDENTIAL
- PUBLIC VERSION (REDACTED)

Person in ② must complete items ① and ② only.

① Parties in This Case

- a. Person who requested restraining order (form CH-100, item ①):
Full Name: _____
- b. Person from whom protection is sought (form CH-100, item ②):
Full Name: _____

② Person Making Request for Confidentiality

Full Name: _____

Court will complete item ③ if request is denied or items ④–⑬ if request is granted or partially granted.

Court's Decision

The court has reviewed the request for confidentiality and makes the following decision:

③ Denied in Whole or in Part or More Information Needed

- a. **DENIED.** The request to keep information of a minor or minors confidential is denied.
 - (1) **The court will NOT make a decision on the Request for Civil Harassment Restraining Orders (form CH-100).** The request for restraining order and proposed order forms must be returned to the requestor personally, destroyed, or deleted from electronic files and not filed with the court unless the person requesting the restraining order agrees to file them without any changes.
 - (2) **The court will make a decision on the request for restraining order.** The request for restraining order and any accompanying orders will be filed.
- b. **More information is needed for court decision.** You must go to court on the date and time below to provide more information on why you need a request for confidentiality.

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

- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: _____

Judge (or Judicial Officer)

Instructions to Clerk
If item ③ is checked, file page 1 in a public file and discard pages 2–5.
File the request for confidentiality (form CH-160) in a confidential file.

This is a Court Order.



Court will complete the rest of this form if the request is partially or fully granted

4 **GRANTED**

- a. **Granted in full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items **5**–**12**.
- b. **Partially granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items **5**–**12**.

5 **Findings**

- The court finds all of the following (*all of these findings are required if granting in full or in part*):
 - a. The right to privacy of the minors listed in item **6** overcomes the public's right of access to the information;
 - b. There is a substantial probability that the interests of the minors listed in item **6** will be prejudiced if the information is not kept confidential;
 - c. The order is narrowly tailored; and
 - d. No less restrictive means exist to protect the privacy of the minors in item **6**.

6 **Minors Subject to This Order**

This order protects the information listed in item **8** for the following minors:

- a. Name: _____
- b. Name: _____
- c. Name: _____
- d. Name: _____

Check here if there are additional minors. Attach a sheet of paper and write "Attachment 6—Additional Minors" for a title.

References in this order to "the minor" refer to all minors listed here.

7 **WARNING:** If the information listed in item **8** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.

8 **Information to Be Kept Confidential From Public**

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. **Name of minor**

True name of minor in item **6**
(to be kept confidential)

Initials viewable by the public
(to be used in redacted version)

This is a Court Order.



b. **Address of minor**

The following addresses of the minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. **Information relating to minor (check one):**

(1) The information CIRCLED in the attached copy of form CH-100 or other document or form is made confidential by this order.

(2) The information below is made confidential by this order:

Location of Information <i>(for example, form #, page #, item #, line #, attachment #, or exhibit #)</i>	Information to Be Redacted <i>(not viewable by the public)</i>

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8c(2)" for a title.

(a) _____

(b) _____

(c) _____

(d) _____

d. **Other:** _____

This is a Court Order.



9 Information to Be Kept Confidential from the Restrained Person

The restrained person (*full name*) _____ will have access to the following information checked in item **8** to comply with the protective order and prepare a response:

- a. All the information, unredacted.
- b. All the information except for the following:
 Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on top, and attach to this form.

WARNING: If the information listed in item **8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.**

10 Responsibility for Redacting All Forms and Documents

- a. All forms and documents submitted with the request for confidentiality **must be redacted and filed with the court** no later than (*number of court days or date*) _____, by the:
- (1) Court
- (2) Person making the request
- (3) Other: _____
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

11 Court Records and Hearings

The information listed in item **8** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case.
- b. Future court hearings, including any documents introduced during a hearing in this case or any civil case in the State of California.

12 To All Parties

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **8** must be filed with form CH-175, *Cover Sheet for Confidential Information*, attached to the front.

This is a Court Order.



13 To the Person Making the Request for Confidentiality

You must do the following:

- a. Have a copy of each form listed in item (c) below **personally served** on (given to) the restrained person.
(See form CH-200-INFO to find out how to meet this requirement. Personal service is required when the protected person is making this request and when forms CH-100, CH-109, and CH-110 have NOT been served on the restrained person.)
- b. Have a copy of each form listed in item (c) mailed to the:
- (1) Restrained person
 - (2) Protected person
 - (3) Other: _____
(See form CH-250 to find out how to meet this requirement.)
- c. Forms to serve:
- (1) Form CH-170, *Notice of Order Protecting Information of Minor*
(Form CH-170 should be the first page with all others stapled behind.)
 - (2) Form CH-100, *Request for Civil Harassment Restraining Order*
 - (3) Form CH-109, *Notice of Court Hearing*
 - (4) Form CH-110, *Temporary Restraining Order*
 - (5) Form CH-160, *Request to Keep Minor's Information Confidential*
 Unredacted Redacted (if item 9b on CH-165 is checked)
 - (6) Form CH-165, *Order on Request to Keep Minor's Information Confidential*
 Unredacted Redacted (if item 9b on CH-165 is checked)
 - (7) Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
 - (8) Other: _____
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: _____

*Judge (or Judicial Officer)***Instructions to Clerk**

The originals of all unredacted documents containing the information checked in item ⑧ must be kept in a confidential file and the information provided in item ⑧ must not appear in:

- Any register of action;
- Any calendar;
- Any index;
- Any transcript; or
- Any minute order.

Any information listed in item 9b must be sealed and filed in a confidential file.

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
FINDINGS AND ORDERS AFTER HEARING TO MODIFY DELINQUENCY JURISDICTION TO TRANSITION JURISDICTION FOR CHILD YOUNGER THAN 18 YEARS OF AGE	CASE NUMBER:	
Judicial Officer:	Court Clerk:	Court Reporter:
Bailiff:	Other Court Personnel:	Interpreter: Language:

Use this form to document the findings and orders regarding the modification of delinquency jurisdiction to transition jurisdiction for a child older than 17 years, 5 months and younger than 18 years of age, who:

- Qualifies for vacatur of his or her underlying adjudication and dismissal of the petition pursuant to Penal Code section 236.14 or has met his or her rehabilitative goals;
- Is under an order for foster care placement;
- Wants to remain in extended foster care under the transition jurisdiction of the juvenile court;
- Is not receiving reunification services; and
- Does not have a hearing set for termination of parental rights or establishment of guardianship.

1. Parties (name)	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>
a. Ward:	<input type="checkbox"/>		<input type="checkbox"/>
b. Probation officer:	<input type="checkbox"/>		<input type="checkbox"/>
c. County agency social worker:	<input type="checkbox"/>		<input type="checkbox"/>
d. Other (specify):	<input type="checkbox"/>		<input type="checkbox"/>
2. Parent			
a. (Name):	<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/>
b. (Name):	<input type="checkbox"/> Father	<input type="checkbox"/> Mother	<input type="checkbox"/>
3. Legal guardian (name):	<input type="checkbox"/>		<input type="checkbox"/>
4. Indian custodian (name):	<input type="checkbox"/>		<input type="checkbox"/>
5. Tribal representative (name):	<input type="checkbox"/>		<input type="checkbox"/>
6. <input type="checkbox"/> Others present			
a. Other (name):			
b. Other (name):			
c. Other (name):			

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

7. The court has read and considered and admits into evidence

- a. Report of social worker dated:
- b. Report of probation officer dated:
- c. Other (specify):
- d. Other (specify):
- e. Other (specify):

BASED ON THE FOREGOING AND ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

Findings

8. Notice has has not been given as required by law.
9. a. The child comes within the description of Welfare and Institutions Code section 450, in that:
- (1) The child is older than 17 years and 5 months and younger than 18, and the underlying adjudication is subject to vacatur under Penal Code section 236.14, or the child's rehabilitative goals as stated in the case plan have been met, and juvenile court's delinquency jurisdiction over him or her as a ward is no longer required.
 - (2) The child is older than 17 years, 5 months and younger than 18 years of age and is subject to an order for foster care placement.
 - (3) The child was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the child was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
- b. The child does not come within the description of Welfare and Institutions Code section 450, in that (check all that apply):
- (1) The child is not more than 17 years, 5 months and less than 18 years of age and subject to a foster care placement order.
 - (2) The child was not removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, nor was the child removed from the custody of his or her parents as a dependent of the court with an order for a foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
 - (3) The child's rehabilitative goals as stated in the case plan have not been met, and the juvenile court's delinquency jurisdiction over him or her as a ward is required.
10. The child has has not been informed that he or she may decline to become a nonminor dependent and may have juvenile court jurisdiction terminated at a hearing under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court.
11. The child's return to the home of his or her legal guardian would would not create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being. The facts supporting this finding were stated on the record.
12. Reunification services have have not been terminated.
13. The child's case has has not been set for a hearing to terminate parental rights or establish a guardianship.

CHILD'S NAME:	CASE NUMBER:
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14. The child does does not intend to sign a mutual agreement for a placement in a supervised setting as a transition dependent.
15. The child's Transitional Independent Living Case Plan does does not include a plan for the child to satisfy at least one of the following conditions of eligibility to remain under juvenile court jurisdiction as a transition dependent (*check all that apply*):
- The child plans to continue attending high school or a high school equivalency certificate (GED) program.
 - The child has made plans to attend a college, a community college, or a vocational education program.
 - The child plans to participate in a program or activities to promote employment or overcome barriers to employment.
 - The child has made plans to be employed at least 80 hours per month.
 - The child may not be able to attend school, college, a vocational program, or a program or activities to promote employment or overcome barriers to employment or to work 80 hours per month due to a medical condition.
16. The child has has not had an opportunity to confer with his or her attorney.
17. The court makes the following orders modifying jurisdiction:
- The young person comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450(a)(1)(B) and 450(a)(2)(C) or section 450(a)(1)(A).
 - Continuance in the home is contrary to the child's welfare;
 - Reasonable efforts have been made to prevent or eliminate the need for removal, and the child remains removed from the parent or guardian;
 - The adjudication in petition number _____ is vacated, the petition is dismissed, and the underlying arrest is expunged under Penal Code section 236.14;
 - The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
 - The probation department child welfare services department is responsible for the child's placement and care.
 - The child is adjudged a transition dependent under the transition jurisdiction of this court.
 - Delinquency jurisdiction is terminated.
 - (*Insert name*): continues his/her court appointment is appointed by the court as the attorney of record for the child.
 - The matter is continued for a nonminor dependent status review hearing set under Welfare and Institutions Code section 366.31, and rule 5.903 of the California Rules of Court on (*date*): _____. This date is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

CHILD'S NAME:	CASE NUMBER:
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18. **The court makes the following orders not modifying jurisdiction:**

- a. The child does not come within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- b. The child continues under the delinquency jurisdiction of the court.
- c. The matter is continued for a status review hearing on *(date)*: _____ . This date is within six months of the child's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

19. **The court makes the following additional findings and orders to terminate jurisdiction:**

- a. The child has met his or her rehabilitative goals and does not wish to become a transition dependent.
- b. A hearing to consider termination of jurisdiction under Welfare and Institutions Code section 391 and rule 5.555 of the California Rules of Court is set on *(date)*:

Date:

 JUDICIAL OFFICER

NONMINOR'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS

Findings

8. Notice has has not been given as provided by law.
9. a. The nonminor comes within the description of Welfare and Institutions Code section 450 in that:
- (1) The ward is a nonminor ward in foster care placement who was a ward subject to an order for foster care placement on the day of his or her 18th birthday and is under the age of 21.
 - (2) The ward was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the ward was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
 - (3) The ward's rehabilitative goals as stated in the case plan have been met, and juvenile court's delinquency jurisdiction over him or her as a ward is no longer required.
- b. The nonminor comes within the description of Welfare and Institutions Code section 450 in that the young person is under 21 years of age and in a foster care placement based on an adjudication that is subject to vacatur under Penal Code section 236.14.
- (1) The child was removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, or the child was removed from the custody of his or her parents as a dependent of the court with an order for foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
- c. The ward does not come within the description of Welfare and Institutions Code section 450, in that (*select all that apply*):
- (1) The ward was not subject to an order for foster care placement on the day of his or her 18th birthday.
 - (2) The ward is over the age of 21.
 - (3) The ward was not removed from the physical custody of his or her parents or legal guardian, adjudged to be a ward of the juvenile court under Welfare and Institutions Code section 725, and ordered into foster care placement as a ward, nor was the ward removed from the custody of his or her parents as a dependent of the court with an order for a foster care placement in effect at the time the court adjudged him or her to be a ward of the juvenile court under Welfare and Institutions Code section 725.
 - (4) The ward's rehabilitative goals as stated in the case plan have not been met, and the juvenile court's delinquency jurisdiction over him or her as a ward is required.
10. The ward has has not been informed that he or she may decline to become a nonminor dependent and may have juvenile court jurisdiction terminated at a hearing under rule 5.555 of the California Rules of Court.
11. The nonminor was was not informed that if juvenile court jurisdiction is terminated, the nonminor can file a request to return to foster care and may have the court resume jurisdiction over the ward as a nonminor dependent.
12. The benefits of remaining under juvenile court jurisdiction as a nonminor dependent were were not explained and the nonminor understands them.
13. The ward has has not signed a mutual agreement with the responsible agency for placement in a supervised setting as a nonminor dependent.

NONMINOR'S NAME:	CASE NUMBER:
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14. The ward's Transitional Independent Living Case Plan does does not include a plan for the ward to satisfy at least one of the following conditions of eligibility to remain under juvenile court jurisdiction as a transition dependent (check all that apply):

- a. The ward plans to continue attending high school or a high school equivalency certificate (GED) program.
- b. The ward has made plans to attend a college, a community college, or a vocational education program.
- c. The ward plans to participate in a program or activities to promote employment or overcome barriers to employment.
- d. The ward has made plans to be employed at least 80 hours per month.
- e. The ward may not be able to attend school, college, a vocational program, or a program or activities to promote employment or overcome barriers to employment or to work 80 hours per month due to a medical condition.

15. The ward has has not had an opportunity to confer with his or her attorney.

16. **The court makes the following orders modifying jurisdiction:**

a. The nonminor comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450(a)(1)(B) and 450(a)(2)(C).

- (1) Continuance in the home is contrary to the child's welfare;
- (2) Reasonable efforts have been made to prevent or eliminate the need for removal and the child remains removed from the parent or guardian;
- (3) The adjudication in petition number _____ is vacated, the petition is dismissed, and the underlying arrest is expunged under Penal Code section 236.14;
- (4) The Department of Justice and any law enforcement agency that has records of the arrest is ordered to seal those records and then destroy them three years from the date of the arrest or one year after the order to seal, whichever occurs later; and
- (5) The probation department child welfare services department is responsible for the nonminor's placement and care.

b. The ward comes within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450(a)(1)(A).

- (1) The ward was originally removed from the physical custody of his or her parents or legal guardians on (specify date of detention hearing when removal findings were made): _____ and continues to be removed from their custody.
- (2) The removal findings—"continuance in the home is contrary to the child's welfare" and "reasonable efforts were made to prevent removal"—made at that hearing remain in effect.
- (3) The probation department social services agency is responsible for the nonminor's placement and care.

c. The nonminor is adjudged a nonminor dependent under the transition jurisdiction of this court.

d. Delinquency jurisdiction is terminated.

e. (Insert name): _____ continues his/her court appointment is appointed by the court as the attorney of record for the nonminor dependent.

f. The matter is continued for a nonminor dependent status review hearing set under rule 5.903 of the California Rules of Court on (date): _____. This date is within six months of the nonminor's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

NONMINOR'S NAME:	CASE NUMBER:
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17. **The court makes the following orders not modifying jurisdiction:**

- a. The nonminor does not come within the juvenile court's transition jurisdiction as described in Welfare and Institutions Code section 450.
- b. The nonminor continues under the delinquency jurisdiction of the court.
- c. The matter is continued for a status review hearing on *(date)*: _____ . This date is within six months of the nonminor's most recent status review hearing under Welfare and Institutions Code section 727.2 or 727.3.

18. **The court makes the additional findings and orders to terminate jurisdiction:**

- a. The ward has met his or her rehabilitative goals, but does not wish to become a nonminor dependent.
- b. A hearing to consider termination of jurisdiction under Welfare and Institutions Code section 607.3, and rule 5.555 of the California Rules of Court is set on *(date)*:

Date:

JUDICIAL OFFICER

CASE NAME:	CASE NUMBER:
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6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*):
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date:

(TYPE OR PRINT NAME OF DECLARANT)	▶	(SIGNATURE OF DECLARANT)
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(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date:

(NAME OF DECLARANT)	▶	(SIGNATURE OF DECLARANT)
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INFORMATION SHEET FOR PROOF OF SERVICE—CIVIL

(This information sheet is not part of the official proof of service form and does not need to be copied, served, or filed.)

USE OF THIS FORM

This form is designed to be used to show proof of service of documents by (1) personal service, (2) mail, (3) overnight delivery, (4) messenger service, or (5) fax.

This proof of service form should **not** be used to show proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Also, this proof of service form should **not** be used to show proof of electronic service. For that purpose, use *Proof of Electronic Service* (form POS-050).

Certain documents must be personally served. For example, an order to show cause and temporary restraining order generally must be served by personal delivery. You must determine whether a document must be personally delivered or can be served by mail or another method.

GENERAL INSTRUCTIONS

A person must be over 18 years of age to serve the documents. The person who served the documents must complete the Proof of Service. **A party to the action cannot serve the documents.**

The Proof of Service should be typed or printed. If you have Internet access, a fillable version of this proof of service form is available at www.courts.ca.gov/forms.htm.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person for whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as the address on the documents that you served.

Third box, left side: Print the names of the plaintiff/petitioner and defendant/respondent in this box. Use the same names as are on the documents that you served.

Fourth box, left side: Check the method of service that was used. You should check only one method of service and should show proof of only one method on the form. If you served a party by several methods, use a separate form to show each method of service.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Third box, right side: State the judge and department assigned to the case, if known.

Complete items 1–6:

1. You are stating that you are over the age of 18.
2. Print your home or business address.
3. If service was by fax service, print the fax number from which service was made.
4. List each document that you served. If you need more space, check the box in item 4, complete the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)), and attach it to form POS-040.
5. Provide the names, addresses, and other applicable information about the persons served. If more than one person was served, check the box on item 5, complete the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)), and attach it to form POS-040.
6. Check the box before the method of service that was used, and provide any additional information that is required. The law may require that documents be served in a particular manner (such as by personal delivery) for certain purposes. Service by fax generally requires the prior agreement of the parties.

You must sign and date the proof of service form. By signing, you are stating under penalty of perjury that the information that you have provided on form POS-040 is true and correct.

Clerk stamps date here when form is filed.

DRAFT**01-28-19****Not approved by
the Judicial Council**

Clerk will fill in the number below:

Appellate Division Case Number: **Stay requested**

(see item 12 c. on page 6)

Petitioner
(fill in the name of the person asking for the writ)

v.

Superior Court of California, County of _____

Respondent
(fill in the name of the court whose action or ruling you are challenging)

Real Party in Interest
(fill in the name of any other parties in the trial court case)

Instructions

- This form is only for requesting a **writ** in a small claims case which does *not* relate to an action enforcing the small claims judgment.
- Do not use this form for the appeal or trial de novo of a small claims matter or for writs on the appeal of a small claims matter. Other forms or pleadings should be used for those kinds of actions.
- For requesting a writ relating to a court action regarding *enforcement* of a small claims judgment, you should use form APP-151, *Petition for Writ (Misdemeanor, Infraction, or Limited Civil Case)*. You can get that form and other forms for other writs and for appeals at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Before you fill out this form, read *Information on Writ Proceedings in Small Claims Cases* (form SC-300-INFO) to know your rights and responsibilities. You can get form SC-300-INFO at any courthouse or county law library or online at www.courts.ca.gov/forms.
- Generally, you should file this form no later than **30 days** after the date the small claims court took the action or issued the ruling you are challenging in this petition (see form SC-300-INFO for more information about the deadline for filing a writ petition). It is your responsibility to find out if a special statute sets an earlier deadline. If your petition is filed late, the appellate division may deny it.
- Fill out this form and make a copy of the completed form for your records and for the small claims court whose action or ruling you are challenging (called the respondent) and each of the other party or parties in the small claims case (called real party in interest).
- Serve a copy of the completed form on the small claims court and serve a copy of the form and a copy of form SC-300-INFO on each real party in interest and keep proof of this service. *Proof of Service (Appellate Division)* (form APP-109) can be used to make this record. You can get information about how to serve court papers and proof of service from *What Is Proof of Service?* (form APP-109-INFO) and on the California Courts Online Self-Help Center at www.courts.ca.gov/selfhelp-serving.htm.
- Take or mail the completed form and your proof of service to the clerk's office for the appellate division of the court that took the action or issued the ruling you are challenging.



1 Your Information

a. Petitioner (the party who is asking for the writ):

Name: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail (if available): _____

b. Petitioner's lawyer (skip this if the petitioner does not have a lawyer for this petition):

Name: _____ State Bar number: _____

Street address: _____
Street City State Zip

Mailing address (if different): _____
Street City State Zip

Phone: _____ E-mail (if available): _____

Fax (if available): _____

The Small Claims Court Action or Ruling You Are Challenging

2 I am/My client is filing this petition to challenge an action taken or ruling made by the small claims court in the following case:

a. Case name (fill in the small claims court case name): _____

b. Case number (fill in the small claims court case number): _____

3 The small claims court action or ruling I am/my client is challenging is (describe the action taken or ruling made by the small claims court): _____

4 The small claims court took this action or made this ruling on the following date (fill in the date): _____

5 If you are filing this petition more than 30 days after the date that you listed in 4, explain the extraordinary circumstances that caused the delay in filing this petition: _____



The Parties in the Small Claims Court Case

- 6 I/My client (check and fill in a or b):
 - a. was a party in the case identified in 2.
 - b. was not a party in the case identified in 2 but will be directly and negatively affected in the following way by the action taken or ruling made by the small claims court (describe how you/your client will be directly and negatively affected by the small claims court's action or ruling):

- 7 The other party or parties in the case identified in 2 was/were (fill in the names of the parties):

Appeals or Other Petitions for Writs in This Case

- 8 Did you or anyone else file an appeal about the same small claims court action or ruling you are challenging in this petition? (Check and fill in a or b):
 - a. No
 - b. Yes (fill in the date the appeal/new trial is set for): _____

- 9 Have you filed a previous petition for a writ challenging this action or ruling? (Check and fill in a or b):
 - a. No
 - b. Yes (Please provide the following information about this previous petition).

- (1) Petition title (fill in the title of the petition): _____
- (2) Date petition filed (fill in the date you filed this petition): _____
- (3) Case number (fill in the case number of the petition): _____

If you/your client filed more than one previous petition, attach another page providing this information for each additional petition. At the top of each page, write "SC-300, item 9."

Reasons for This Petition

- 10 The small claims court made the following legal error or errors when it took the action or made the ruling described in 3 (check and fill in at least one):
 - a. The small claims court has not done or has refused to do something that the law says it must do.

- (1) Describe what you believe the law says the small claims court must do: _____
-
-

- (2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court must do this: _____
-
-



10 (continued)

(3) Identify the supporting documents (the documents from the small claims case) and describe what the judge said or did that shows that the court did not do or refused to do this:

(4) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ.

Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10a."

b. The small claims court has done something that the law says the court cannot or must not do.

(1) Describe what the small claims court did:

(2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court cannot or must not do this:

(3) Identify the supporting documents (the documents from the small claims case) and describe what the judge said or did that shows that the court did this:

(4) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ.

Check here if you need more space to describe the reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10b."



10 (continued)

c. The small claims court has performed or said it is going to perform a judicial function (like deciding a person's rights under law in a particular situation) in a way the court does not have the legal power to do.

(1) Describe what the small claims court did or said it is going to do: _____

(2) Identify the law (the section of the Constitution or statute, published court decision, or other legal authority) that says the small claims court does not have the power to do this:

(3) Identify the supporting documents (the documents from the small claims case) that shows that the court did or said it was going to do this: _____

(4) If something was said at the small claims court that is relevant to your request for a writ, provide a fair summary of what was said by you and others, including the court (other than what you described above), that is relevant to your request for writ. _____

Check here if you need more space to describe this reason for your petition and attach a separate page or pages describing it. At the top of each page, write "SC-300, item 10c."

d. Check here if there are more reasons for this petition and attach an additional page or pages describing these reasons. At the top of each page, write "SC-300, item 10d."

11 This petition will be granted only if there is no other adequate way to address the small claims court's action or ruling other than by issuing the requested writ.

a. Explain why there is no way other than through this petition for a writ—through an appeal, for example—for your arguments to be adequately presented to the appellate division:

b. Explain how you/your client will be irreparably harmed if the appellate division does not issue the writ you are requesting: _____



Order You Are Asking the Appellate Division to Make

12 I request that this court (*check and fill in all that apply*):

a. order the small claims court to do the following (*describe what, if anything, you want the court to be ordered to do*): _____

b. order the small claims court not to do the following (*describe what, if anything, you want the court to be ordered NOT to do*): _____

c. issue a stay ordering the small claims court not to take any further action in this case until this court decides whether to grant or deny this petition (*describe below why it is urgent that the small claims court not take any further action and check the Stay requested box on page 1 of this form*):

I/My client:

(1) asked the small claims court to stay these proceedings, but the small claims court denied this request (*include in your supporting documents a copy of the small claims court's order denying your request for a stay*).

(2) did not ask the small claims court to stay these proceedings for the following reasons (*describe below why you did not ask the small claims court to stay these proceedings*):

d. take other action (*describe*): _____

e. grant any additional relief that the appellate division decides is fair and appropriate.



