



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-099

For Circulating Order CO-22-02 on: May 10, 2022

Title

Protective Orders: Civil Harassment Form
Adoptions and Revisions, and Rule
Amendment

Agenda Item Type

Action Required

Effective Date

September 1, 2022

Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rule 3.1160;
adopt forms CH-117 and CH-210; approve
form CH-205-INFO; revise forms CH-109,
CH-110, CH-116, CH-120, CH-120-INFO,
CH-200, CH-200-INFO, and CH-250;
revoke form CH-260

Date of Report

April 20, 2022

Contact

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Recommended by

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

Executive Summary

The Civil and Small Claims Advisory Committee recommends amending rule 3.1160 of the California Rules of Court, the adoption, approval, and revision of 11 forms, and the revocation of one form to implement statutory changes in Assembly Bill 1143 (Stats. 2021, ch. 27). The statutory amendment permits courts to allow an alternative method of service for civil harassment restraining order petitions, temporary restraining orders, and notices of hearing upon a showing that the petitioner has been unable to accomplish personal service after a diligent effort, and that there is reason to believe the respondent is evading service or cannot be located. The proposal incorporates this potential alternative service and the required showing into the council's forms and rules of court, and makes other minor changes to civil harassment forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council take the following actions, effective September 1, 2022:

1. Amend California Rules of Court, rule 3.1160;
2. Adopt the following forms:
 - *Order Granting Alternative Service* (form CH-117); and
 - *Summons (Civil Harassment Restraining Order)* (form CH-210);
3. Approve the following form:
 - *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO);
4. Revise the following forms:
 - *Notice of Court Hearing* (form CH-109);
 - *Temporary Restraining Order* (CLETS-TCH) (form CH-110);
 - *Order on Request to Continue Hearing* (form CH-116);
 - *Response to Request for Civil Harassment Restraining Orders* (form CH-120);
 - *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (CH-120-INFO);
 - *Proof of Personal Service* (form CH-200);
 - *What Is “Proof of Personal Service”?* (form CH-200-INFO); and
 - *Proof of Service by Mail* (form CH-250);
5. Revoke the following form:
 - *Proof of Service of Order After Hearing by Mail* (CH-260).

The proposed amended rule, and new, revised, and revoked forms are attached at pages 9–37.

Relevant Previous Council Action

Under the Code of Civil Procedure, the Judicial Council must provide forms and instructions for use in civil harassment protective order matters. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. The last substantive change to civil harassment protective order forms came in 2018 when the council adopted four new forms allowing parties to seek modification and termination of civil harassment restraining orders.

In 2019, the Judicial Council adopted two new forms, approved a new information sheet, and revised three existing forms to implement Assembly Bill 2694 (Stats. 2018, ch. 219), a precursor to AB 1143, which permitted courts to allow alternative service for domestic violence restraining order forms when the petitioner has been unable to accomplish personal service and there is

reason to believe the respondent is evading service.¹ Where possible, the new and revised forms in this proposal closely parallel the domestic violence forms that were adopted, approved, or revised to implement AB 2694.

Analysis/Rationale

In August 2021, the Legislature enacted Assembly Bill 1143 (Stats. 2021, ch. 27).² Prior to this legislation, a person seeking a restraining order for civil harassment was required to personally serve the respondent with a copy of the petition, the temporary restraining order (if one had been issued), and the notice of hearing on the petition. In some cases, however, personal service proved challenging to effectuate as the respondent had moved frequently or purposely avoided service. The new law seeks to address such circumstances and permits a court to specify a method of service other than personal service for those items if “the court determines at the hearing that, after a diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located.” (Code Civ. Proc., § 527.6(m).)³ If the court makes such a determination, then it may “specify another method of service that is reasonably calculated to give actual notice to the respondent and may prescribe the manner in which proof of service shall be made.” (*Ibid.*) AB 1143 does not change the service requirements for restraining orders issued after a hearing. (See § 527.6(q).)⁴

Amended rule 3.1160

Rule 3.1160 of the California Rules of Court enumerates several procedural requirements for the following types of civil restraining orders: civil harassment, elder abuse, private postsecondary school violence, and workplace violence. Subdivision (c) of that rule regulates the service of requests, notices, and orders for such restraining orders and requires that the “request for a protective order, notice of hearing, and any temporary restraining order [] be personally served on the respondent at least five days before the hearing.” In light of the passage of AB 1143, the committee recommends splitting subdivision (c) into two paragraphs as follows:

- Paragraph (1) retains the language in current subdivision (c) regarding the requirement of personal service, but is preceded by “Except as provided in (2).”

¹ See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Alternative Service in Domestic Violence Prevention Act Cases* (Sept. 3, 2019); Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Revisions to Continuance Forms* (Sept. 6, 2019).

² AB 1143, Civil procedure: restraining orders, available online at https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20210220AB1143.

³ All statutory citations are to the Code of Civil Procedure, unless otherwise stated.

⁴ AB 1143 only applies to civil harassment restraining orders and does not alter the service requirements for any other type of restraining order, including those to prevent elder abuse, private postsecondary school violence, and workplace violence.

- Paragraph (2) is new and summarizes the amended provisions of section 527.6(m) by stating that the “court may specify another method of service for a request for a civil harassment protective order” if the court makes the required determinations.

Adding a new paragraph regarding alternative service implements the legislative change and provides guidance for litigants and attorneys when an alternative to personal service may be needed.

Civil harassment forms

Revised Order on Request to Continue Hearing (form CH-116)

The provisions of AB 1143 require a small change to form CH-116, which is used by the courts to continue hearings for civil harassment restraining orders. Specifically, an order to continue the hearing may now include an order authorizing the petitioner to serve the respondent through alternative means. Accordingly, item 6 on revised form CH-116 now includes an option for the court to provide that “the court gives you permission to serve the restrained party as listed on the attached form CH-117.”⁵

New Order Granting Alternative Service (form CH-117)

The committee recommends adoption of a new form for courts to allow service of preliminary civil harassment restraining order papers by an alternative method, as authorized by AB 1143. Since amended section 527.6(m) specifies that the required findings to support alternative service must be made “at the hearing,” new form CH-117 is an attachment to an order for a new hearing date and the top of the form requires the court to identify the order to which form CH-117 is attached.

Items 1(a) and 1(b) provide the deadline to serve the respondent and specify the papers that must be served. In item 1(c), the court specifies the alternative method of service that the petitioner must use to serve the respondent. The court may check “substituted service” for either the respondent’s home or workplace (both of which are methods of service provided in section 415.20), or “publish in a newspaper” (which is a method of service provided in section 415.50). Alternatively, the court can order another method of alternative service by checking “other” and writing in the method. Item 1(d) allows the court to specify how the petitioner shall provide proof of service, which the court is expressly authorized to do in amended section 527.6(m). Finally, item 2 lists the requisite findings that the court must have made to support the order authorizing alternative service under section 527.6(m).

Revised What is “Proof of Personal Service”? (form CH-200-INFO)

To comply with AB 1143, the information sheet, *What is “Proof of Personal Service”?*, needs to be revised to include alternative service as a possibility. The committee recommends that form CH-200-INFO include new information about alternative service at the end of the form under an item titled, “What if the other party is avoiding (evading) service or cannot be located?” The new

⁵ Form CH-116 also contains a technical revision to provide the correct name of form MC-410 under “Request for Accommodations” on page 3.

item explains the circumstances in which the petitioner may be allowed to use an alternative method of service and how to request it. The form also contains numerous modifications to improve usability modeled after recent changes to form DV-200-INFO, including presenting the information in the form in columns, removing graphics, using plain language, reorganizing content into the steps a petitioner must take to accomplish service, and incorporating information about possible safety issues.

New What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located? (form CH-205-INFO)

In addition to the added information on the *What is “Proof of Personal Service”?* information sheet (form CH-200-INFO), the committee also recommends approval of a new information sheet, *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO), which provides a petitioner who is having trouble personally serving the respondent with the following information:

- Why serving the respondent is important;
- The type of service required for a restraining order issued after a hearing;
- What to do if the respondent cannot be served, including the requisite showing that must be made for a court to order alternative service;
- Specific explanations of how to perform substituted service and service by publication;
- Why electronic service is likely not appropriate; and
- Where to find legal help.

New Summons (Civil Harassment Restraining Order) (form CH-210)

One possible alternative method of service that the court may order is publication of the petitioner’s court papers. Such court papers typically include a six-page petition, a three-page notice of hearing, and a six-page temporary restraining order. In light of the burden that would be placed on the petitioner (who will be charged to publish based on the length of the text), the committee also recommends adoption of a brief “summons,” which the court could order the petitioner to publish in lieu of other court papers. The summons also contains the following information, in both English and Spanish:

- The name of the person requesting the restraining order (the petitioner);
- Information on what may happen if the respondent does not go to the hearing;
- Where to obtain the restraining order petition;
- Where to get help; and
- Where and when to appear for the court hearing.

Revised Proof of Service by Mail (form CH-250) and related forms

Current form CH-250 is a proof of service by mail and is limited to use by respondents to demonstrate that they appropriately served their response to a request for a civil harassment restraining order. Existing law provides that if the terms of a restraining order issued after hearing are identical to the terms of a temporary restraining order (except the duration) and the respondent was personally served with notice of hearing on the restraining order, then the order

after hearing can be served on the respondent via first class mail. (§ 527.6(q)(2).) Current form CH-260 is used to prove service by mail of such an order after hearing. With the passage of AB 1143, the petition, temporary restraining order, and notice of hearing are additional items that may be appropriately served by mail if the court so orders. Accordingly, the subcommittee recommends revisions to form CH-250 to expand its use as a proof of service by mail for any civil harassment form that may be served that way. Specifically, the modifications are:

- Changing the title of form CH-250 to eliminate “of Response”;
- Adding a check box in front of item 4(a) (service of form CH-120);
- Adding form CH-130 as a check box in item 4(b); and
- Eliminating certain superfluous information from item 3.⁶

Modifying the name of form CH-250 requires minor technical changes to forms that mention CH-250. Accordingly, the committee recommends making such a revision on the following forms, which is the only revision to those forms unless otherwise stated:

- *Notice of Court Hearing* (form CH-109)⁷;
- *Temporary Restraining Order (CLETS-TCH)* (form CH-110);
- *Response to Request for Civil Harassment Restraining Orders* (form CH-120);
- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (CH-120-INFO); and
- *Proof of Personal Service* (form CH-200).

Given the revisions to form CH-250, form CH-260 becomes unnecessary. Thus, the committee recommends revocation of that form.

Finally, the committee also recommends revising form CH-200, *Proof of Personal Service* to add “CH-250, *Proof of Service by Mail* (blank form)” to the list of forms that may be identified as having been served in item 4 of the form. Item 6 in the current *Notice of Court Hearing* (form CH-109) instructs the petitioner to serve a blank form CH-250 on the respondent, among other documents, and suggests using form CH-200 to prove personal service was performed. However, the current form CH-200 does not allow the petitioner to check form CH-250 as a form that was served; this revision addresses that omission.

Policy implications

The new and revised forms in this proposal implement amended statutes that provide for alternative service of civil harassment restraining order papers in certain circumstances.

⁶ The revisions eliminate a statement that the server must live or be employed in the county where the mailing took place, which is not required by law (see § 414.10) and an instruction that the server is to complete and sign the form and give it to the respondent, which is unnecessary.

⁷ Forms CH-109 and CH-120-INFO also contains technical revisions to provide the correct name of form MC-410 under “Request for Accommodations” on form CH-109 and under “What if I am deaf or hard of hearing?” on form CH-120-INFO.

Accordingly, the key policy implications are ensuring that council forms reflect the law correctly and are not misleading to parties. The proposed forms should assist courts and parties in navigating the new statutory provisions related to service of civil harassment restraining order forms.

Comments

The proposal was circulated for public comment between December 10, 2021, and January 21, 2022, as part of the regular winter comment cycle. Comments were received from the Superior Court of Los Angeles County, the Superior Court of San Bernardino County, the Superior Court of San Diego County, and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. Only the Superior Court of San Diego raised an issue with the substance of the proposal. All the comments are briefly summarized below with a discussion of the substantive comment of the Superior Court of San Diego County. A chart setting forth all the comments and the committee's responses to the comments is attached at pages 38–42.

The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee commented only to state that the proposal will not result in cost savings. The Superior Court of Los Angeles County and the Superior Court of San Bernardino County indicated that the proposal appropriately addresses the stated purpose and only offered specific comments as to court implementation of the proposal.

Since AB 1143 went into effect January 1, 2022, the Superior Court of San Diego County suggested that the forms in this proposal become effective earlier than September 1, 2022, to prevent the need for individual courts to draft local forms. In response to this comment the committee weighed the need to have accurate and complete forms for use by the courts and litigants and the need to provide sufficient notice to the courts of any new and revised forms in order to prepare systems and staff. The committee ultimately concluded that making the forms effective September 1, 2022 struck the best balance because while the forms currently in effect may not provide specific instructions for doing so, the forms do not preclude petitioners from requesting alternative service or courts from authorizing it.

Alternatives considered

Because AB 1143 enacted changes to law that are not currently reflected in rule 3.1160 and several forms, the committee determined that taking no action would be inappropriate, because such a course would result in forms and rules not in compliance with law.

Instead of including alternative service of civil harassment restraining orders in rule 3.1160, the committee considered deleting rule 3.1160(c) altogether, as the service requirements for the types of civil restraining orders covered by the rule are also provided in statute. The committee concluded, however, that continuing to include and updating the service requirements in the California Rules of Court would promote awareness of and compliance with those requirements by litigants and attorneys.

With regard to the types of alternative service listed on form CH-117 and explained on form CH-205-INFO, the committee considered two other possibilities:

- First, the committee considered including posting papers at the courthouse as an alternative method of service on the forms. However, because posting papers is not explicitly authorized by the Code of Civil Procedure, the committee concluded that it would not be appropriate to include.
- Second, the committee considered *not* including publication as an alternative method of service on either form. While publication is explicitly authorized by section 415.50, it may not comply with the amended requirements of section 527.6(m) that the alternative service allowed must be “reasonably calculated to give actual notice to the respondent.” However, given that the Code of Civil Procedure expressly provides for service in such a manner, the committee decided to include it as a suggested alternative. Moreover, inclusion of service by publication on the forms does not prevent the court from ordering a method of alternative service that is more likely to give actual notice in a particular case.

Finally, as suggested by the Superior Court of San Diego County, the committee considered having the forms take effect at an earlier date, such as May 16, 2022, or July 1, 2022, but concluded that an effective date of September 1, 2022 is appropriate as the current forms do not preclude litigants from availing themselves of the additional potential service options authorized in AB 1143 and such an effective date provides time for courts to prepare for the new and revised forms.

Fiscal and Operational Impacts

The committee anticipates that this proposal will result in costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms.

Attachments and Links

1. Cal. Rules of Court, rule 3.1160, at page 9
2. Forms CH-109, CH-110, CH-116, CH-117, CH-120, CH-120-INFO, CH-200, CH-200-INFO, CH-205-INFO, CH-210, CH-250, and CH-260, at pages 10–37
3. Chart of comments, at pages 38–42
4. Link A: AB 1143,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1143

Rule 3.1160 of the California Rules of Court is amended, effective September 1, 2022, to read:

Rule 3.1160. Requests for protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse

(a)–(b) * * *

(c) Service of requests, notices, and orders

(1) Except as provided in (2), the request for a protective order, notice of hearing, and any temporary restraining order, must be personally served on the respondent at least five days before the hearing, unless the court for good cause orders a shorter time. Service must be made in the manner provided by law for personal service of summons in civil actions.

(2) The court may specify another method of service for a request for a civil harassment protective order brought under Code of Civil Procedure section 527.6 if the court determines that the petitioner has been unable to accomplish personal service, and that there is reason to believe that the respondent is evading service or cannot be located.

(d)–(e) * * *

DRAFT

3/27/2022

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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 Person Seeking Protection

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Person From Whom Protection Is Sought

Full Name: _____

*The court will complete the rest of this form.***3 Notice of Hearing****A court hearing is scheduled on the request for restraining orders against the person in (2):****Hearing
Date**

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

4 Temporary Restraining Orders (Any orders granted are on form CH-110, served with this notice.)a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are (check only one box below):(1) ☐ All **GRANTED** until the court hearing.(2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.
- (2) ☐ Other (*specify*): ☐ As set forth on Attachment 4b.

5 Confidential Information Regarding Minor

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

6 Service of Documents for the Person in ①

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

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

Date: _____

Judicial Officer

To the Person in ① :

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

To the Person in ② :

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

**Request for Accommodations**

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

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 email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT

3/27/2022

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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 temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ No	_____
_____	_____	_____	☐ Yes ☐ 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: _____ ☐ a.m. ☐ p.m.

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 email, by text message, by fax, or by other electronic means.
- (3) ☐ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) ☐ 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 | (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 (<i>specify</i>):

_____ |
| (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.

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 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.

DRAFT

3/10/2022

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Complete items ① and ② only.

① Protected Party: _____

② Restrained Party: _____

The court will complete the rest of this form

③ Next Court Date

- a.
- ☐
- The request to reschedule the court date is
- denied**
- .

Your court date is: _____

(1) Any *Temporary Restraining Order* (form CH-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

- b.
- ☐
- The request to reschedule the court date is
- granted**
- . Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New
Court
Date→ Date: _____ Time: _____
Dept.: _____ Room: _____

④ Temporary Restraining Order

- a.
- ☐
- There is no
- Temporary Restraining Order*
- (TRO) in this case until the next court date because:.

(1) ☐ A TRO was not previously granted by the court.(2) ☐ The court terminates (cancels) the previously granted TRO because: __________

- b.
- ☐
- A
- Temporary Restraining Order*
- (TRO) is still in full force and effect because:

(1) ☐ The court extends the TRO previously granted on (date): _____

It now expires on (date): _____

(If no date is listed, the TRO expires at the end of the court date listed in 3b.)

(2) ☐ The court changes the TRO previously granted and signs a new TRO (form CH-110).

- c.
- ☐
- Other (specify): _____

Warning and Notice to the Restrained Party:

If ④ b is checked, a civil harassment restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.

5 Reason Court Date Is Rescheduleda. ☐ There is good cause to reschedule the court date (*check one*):(1) ☐ The protected party has not served the restrained party.(2) ☐ Other: _____

_____b. ☐ This is the first time that the restrained party has asked for more time to prepare.c. ☐ The court reschedules the court date on its own motion.**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a. ☐ **Protected party**b. ☐ **Restrained party**c. ☐ **Court**(1) ☐ You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.(2) ☐ You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form CH-109, item ⑥, by (date): _____(3) ☐ You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____(4) ☐ The court gives you permission to serve the restrained party as listed on the attached form CH-117.(5) ☐ Other: _____

_____(1) ☐ You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.(2) ☐ You must have the protected party personally served with a copy of this order by (date): _____(3) ☐ You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (date): _____(4) ☐ Other: _____

_____(1) ☐ Further notice is not required.(2) ☐ The court will mail a copy of this order to all parties by (date): _____
.(3) ☐ Other: _____

_____**This is a Court Order.**

7 No Fee to Serve (Notify) Restrained Person ☐ **Ordered** ☐ **Not Ordered**

The sheriff or marshal will serve this order for free 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.

8 ☐ Other Orders

Date: _____

Judicial Officer**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.htm for **Disability Accommodation Request** ([form MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk's Certificate [seal] I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TCH)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

This form is attached to (check one): ☐ CH-116 ☐ Other order setting new hearing date

1 Serving the Restrained Party

Protected party: You must have the restrained party served by following the orders below.

(a) **Deadline:** You must serve the restrained party by (date): _____

(b) **Papers to Serve** (check all that apply):

- (1) ☐ A copy of this order, including form CH-116 or other order setting new hearing date
- (2) ☐ Form CH-210
- (3) ☐ All the documents indicated on form CH-109, item ⑥
- (4) ☐ Other:

(c) **How to Serve Papers**

(1) ☐ **Substituted Service**

(A) ☐ **Home:** You must have your server (1) leave a copy of all the papers listed in ①b at the restrained party's home or usual mailing address with an adult that lives there, and (2) mail a copy to the restrained party to the same address.

(B) ☐ **Workplace:** You must have your server (1) leave a copy of all the papers listed in ①b at the restrained party's workplace or usual mailing address with someone who seems to be in charge, and (2) mail a copy to the restrained party at the same workplace.

(2) ☐ **Publish in a newspaper**

(A) You must have form CH-210 published at least once a week for 4 weeks in a row with the newspaper listed here: _____

(B) If you find an address for the restrained party while form CH-210 is published in the newspaper, you must have someone mail all the papers listed in ①b to that address.

(3) ☐ **Other:** _____

For more information on alternative service, read form CH-205-INFO, What if the Person I Want Protection from is Avoiding (Evading) Service?

(d) **How to Provide Proof of Service**

- (1) ☐ Fill out form POS-010
- (2) ☐ Fill out form CH-250
- (3) ☐ **Other:** _____

2 Findings That Support This Order

(a) The protected person has made diligent efforts to have the restrained party personally served but has been unsuccessful.

(b) There is reason to believe that the restrained party is avoiding (evading) service or cannot be located.

This is a Court Order.

Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, **Proof of Service by Mail**.)

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①):

② Person From Whom Protection Is Sought

a. Your 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (Specify below or in item ⑪ on page 3.)

④ ☐ Stay-Away Orders

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

⑤ ☐ Additional Protected Persons

- a. ☐ I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.

DRAFT

3/27/2022

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Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

Hearing
Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.



6 Guns or Other Firearms and Ammunition

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use form CH-800, *Proof of Firearms Turned In, Sold or Stored*, for the receipt.

- a. ☐ I do not own or control any guns or firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

7 Possession and Protection of Animals

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

8 Other Orders

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

9 Denial

I did not do anything described in item 7 of form CH-100. (Skip to 11.)



12 ☐ **No Fee for Filing**

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

13 ☐ **Lawyer's Fees and Costs**

- a. ☐ I ask the court to order payment of my ☐ Lawyer's fees ☐ Court costs.

The amounts requested are:

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

- ☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.
- b. ☐ I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

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

Date: _____

Lawyer's name (if any)

► _____
Lawyer's signature

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

Date: _____

Type or print your name

► _____
Sign your name

CH-120-INFO

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

What is a civil harassment restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any guns as long as the order is in effect

Who can ask for a civil harassment restraining order?

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

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

I've been served with a request for civil harassment restraining orders. What do I do now?

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

What if I don't obey the order?

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

What if I don't agree with what the order says?

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

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

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

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

Should I go to the court hearing?

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

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

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 mis in case number when form is filed.
Case Number: _____

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

Name and address of court if different from above: _____

Hearing Date: _____ Time: _____
Dept.: _____ Room: _____

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) ☐ All GRANTED until the court hearing.

(2) ☐ All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



How long does the order last?

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

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free 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 person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You 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 should ask someone age 18 or older 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 or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

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

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

What if I 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 court days before the hearing. Contact the clerk's office or go to www.courts.ca.gov/forms for **Disability Accommodation Request** (form MC-410). (Civ. Code, § 54.8.)

DRAFT**3/10/2022****NOT APPROVED BY
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 Person Seeking Protection**

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1** or **3** of form CH-100.
- Give a copy of all documents checked in **4** to the person in **2**. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in **1**.

**PROOF OF PERSONAL SERVICE****4** I gave the person in **2** a copy of the forms checked below:

- a. ☐ CH-109, *Notice of Court Hearing*
- b. ☐ CH-110, *Temporary Restraining Order*
- c. ☐ CH-100, *Request for Civil Harassment Restraining Orders*
- d. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. ☐ CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
- g. ☐ CH-250, *Proof of Service by Mail* (blank form)
- h. ☐ CH-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- i. ☐ Other (specify): _____

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

- a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.
- c. At this address: _____
City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(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

CH-200-INFO

What Is "Proof of Personal Service"?

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side.

Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served on the other party by personal service:

- ▶ [Form CH-109](#);
- ▶ [Form CH-100](#);
- ▶ [Form CH-110](#);
- ▶ [Form CH-120](#) (leave this form blank);
- ▶ [Form CH-120-INFO](#); and
- ▶ [Form CH-250](#) (leave this form blank).

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- 1 Before you serve the forms, note which forms you have, including the name of the form and the form number. See [form CH-200](#) for a list of forms.
- 2 Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- 3 Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- 4 Fill out [form CH-200](#) completely and sign.
- 5 File [form CH-200](#) with the court or give [form CH-200](#) to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign [form CH-200](#). **The person you want restrained does not sign anything.**

File [form CH-200](#) with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides [form CH-200](#). Make sure a copy is filed with the court and that you get a copy.



When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on [form CH-109](#). Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**

3 Notice of Court Hearing
A court hearing is scheduled on

Hearing Date → Date: _____
Dept.: _____

- **Step 2: Look at the number of days written in ⑥ on page 2.**

6 Service of Documents by the Person
At least ☐ five ☐ ___ days before the

- **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file [form CH-115](#) and [form CH-116](#). These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with [form CH-115](#), [form CH-116](#), and the original papers you filed. You should keep a copy of [form CH-115](#), [form CH-116](#), and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form [CH-115-INFO](#).

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the the restrained person, and you can show the judge that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form [CH-205-INFO](#), *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?*, for more information.

CH-205-INFO**What If the Person I Want Protection from Is
Avoiding (Evading) Service or Cannot Be Located?****Why do I have to serve the restrained person?**

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. In most cases, the judge will require that you have someone personally deliver the papers to the person you want restrained. This is called personal service. See [form CH-200-INFO](#) for more information.

What if I already have a civil harassment restraining order?

If a judge granted you a civil harassment restraining order on [form CH-130](#), alternative service is not an option for you. Follow the orders for service on [form CH-130](#). It is important to follow the orders for service because this is how the restrained person will find out about the restraining orders. Once you file proof that the restrained person was served, law enforcement and the court will have proof that the restrained person knows about the orders. If you have questions about what the judge ordered in your case, see page 2 for where to get legal help.

What if I can't personally serve the restrained person?

When you cannot personally serve the restrained person with a copy of form CH-100 and related papers, a judge may allow you to give, or serve, the restraining order papers another way. This is called alternative service. The judge could order you to have your server give the restrained person your court papers in more than one way.

If you want to request alternative service, at your court date tell the judge details about your attempts to have the restrained person served. To qualify for alternative service, you must show the judge at least two things.

① You have tried many times (usually 3 or more times) to have someone personally serve the restrained person.

Some examples of ways you can try to have the restrained person personally served:

- ▶ Serve the restrained person at home, their workplace, or somewhere they go a lot.
- ▶ Search online for where they may be located.
- ▶ Check with their family and friends.



Make sure any attempts to find the restrained person are done safely.

If you have an address for the restrained person, you can ask the sheriff or marshal to serve your papers, which they will do for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

② You believe the restrained person is avoiding (evading) personal service or cannot be located.

Be ready to explain why you think the restrained person is avoiding service or cannot be located. If you have people who will help you prove this to a judge, bring them to your court hearing or have them write a statement that describes what they witnessed. [Form MC-030](#) may be used for this purpose.

Alternative service may involve other people having access to your court papers.

This will mean they can see your name, the fact that you want a restraining order against the other party, and possibly your statements regarding the abuse. You may want to talk to an advocate about your safety and privacy concerns before you consider this request.



What is substituted service?

The judge may order you to perform substituted service at the restrained person's home or workplace, or, if no physical address is known, the restrained person's usual mailing address (other than a post office box; a private mailbox with a commercial business may be okay). Substituted service requires your server to follow these steps:

1. Give the papers to someone 18 years or older who lives at the restrained person's home or usual mailing address (that is not a P.O. box), or who appears to be in charge at the restrained person's workplace. If the only address reasonably known for the restrained person is a private mailbox with a commercial mail receiving agency, give the papers to someone 18 years or older who appears to be in charge.
2. Get the name of the adult who got the papers, and tell the adult that the papers are for a request for a restraining order against the restrained person.
3. Mail the papers to the restrained person's home, workplace, or usual mailing address. (This step is not required if the papers were given to a person in charge of the commercial mail receiving agency where the restrained person has a private mailbox.)
4. Follow the instructions for completing and filing a proof of service as ordered in item 1(d) on [form CH-117](#).

What is service by publication?

The judge may also order you to serve the restrained person by publication. This means that you would have to pay a newspaper to publish a copy of whatever papers the judge orders you to have published at least once a week, for at least four weeks in a row. The judge would approve a newspaper that would have the best chances of the restrained person seeing it. Follow the orders made by the judge, which will usually be found on [form CH-117](#).

After the newspaper publishes your court papers, make sure you get a signed statement from the newspaper that includes a copy of what was published in the newspaper and when it was published. This statement is usually called "Proof of Publication." After you receive this statement, file it with the court in your case.

May I serve by email or electronically?

To serve someone electronically, like by email or text message, the person you are serving has to agree to being served electronically or the judge has to order electronic service. If the person is avoiding service, it is unlikely that they will agree to being served electronically. If the judge orders you to serve the restrained person electronically, follow all the instructions of the judge, which will usually be found on [form CH-117](#), including any orders to also provide additional forms of service, such as substituted service or publication.

Where can I find legal help?

Free legal information is available in every county at a court self-help center. Staff can provide you with your legal options but will not tell you what you should do in your case and will not provide you with legal representation. To find your local self-help center, go to www.courts.ca.gov/selfhelp.

**Summons (Civil Harassment Restraining Order)
Citación (Orden de restricción por acoso civil)**

If ordered by a judge to use this form, complete items ① and ② only.
Si un juez le ha ordenado llenar este formulario, llene solo los puntos ① y ②.

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

DRAFT

3/11/2022

**NOT APPROVED BY
JUDICIAL COUNCIL**

Superior Court of California, County of
Corte Superior de California, Condado de

Case Number:
Número de caso:

**① Person asking for protection:
La persona que solicita protección:**

**② Notice to (name of person to be restrained):
Aviso a (nombre de la persona a ser restringida):**

The person in ① is asking for a Civil Harassment Restraining Order against you.

La persona en ① está pidiendo una orden de restricción por acoso civil contra usted.

— The court will complete the rest of this form —

— El tribunal llenará el resto de este formulario —

**③ You have a court date
Tiene una audiencia en la corte**

Date Fecha: _____ Name and address of court, if different from above:
Time Hora: _____ Nombre y dirección de la corte, si no es la misma de arriba:
Dept. Depto.: _____
Room Sala: _____

What if I don't go to my court date?

If you do not go to your court date, the judge can grant a restraining order that limits your contact with the person in ①. Having a restraining order against you may impact your life in other ways, including preventing you from having guns and ammunition. If you do not go to your court date, the judge could grant everything that the person in ① asked the judge to order.

¿Qué pasa si no voy a la audiencia?

Si no va a la audiencia, el juez puede dictar una orden de restricción que limita su contacto con la persona en ①. Una orden de restricción en su contra puede tener otras consecuencias, como prohibirle tener armas de fuego y municiones. Si no va a la audiencia, el juez puede ordenar todo lo que pide la persona en ①.



How do I find out what the person in ① is asking for?

To find out what the person in ① is asking the judge to order, go to the courthouse listed at the top of page 1. Ask the court clerk to let you see your case file. You will need to give the court clerk your case number, which is listed above and on page 1. The request for restraining order will be on form CH-100, *Request for Civil Harassment Restraining Order*.

¿Cómo puedo entender lo que pide la persona en ①?

Para entender lo que pide la persona en ①, vaya al tribunal en la dirección indicada en la parte superior de la página 1. Pida al secretario de la corte permiso para ver el expediente de su caso. Tendrá que darle al secretario el número de su caso, que aparece arriba y en la página 1. La solicitud de una orden de restricción se hace en el formulario CH-100, *Solicitud de órdenes de restricción por acoso civil*.

Where can I get help?

Free legal information is available at your local court's self-help center. Go to www.courts.ca.gov/selfhelp to find your local center.

¿Dónde puedo obtener ayuda?

Puede obtener información legal gratis en el centro de ayuda de su corte. Vea www.courts.ca.gov/selfhelp-selfhelpcenters.htm?rdeLocaleAttr=es para encontrar el centro de ayuda en su condado.

Do I need a lawyer?

You are not required to have a lawyer, but you may want legal advice before your court hearing. For help finding a lawyer, you can visit www.lawhelpca.org or contact your local bar association.

¿Necesito un abogado?

No es obligatorio tener un abogado, pero es posible que quiera consejos legales antes de la audiencia en la corte. Para ayuda a encontrar un abogado, visite www.lawhelpca.org/es/homepage o contacte al Colegio de Abogados local.

[seal]
[sello]

Date (Fecha): _____ Clerk, by (Secretario, por): _____,
Deputy (Asistente)

DRAFT**3/10/2022****NOT APPROVED BY
JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Name of Person Asking for Protection:****2 Name of Person to Be Restrained:****3 Notice to Server**

The server must:

- Be 18 years of age or over.
- Not be listed in items ①, ②, or ③ of form CH-100, *Request for Civil Harassment Restraining Orders*.
- Mail a copy of all documents checked in ④ to the person in ⑤.

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in ⑤:

- a. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders*
- b. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
- c. ☐ Other (specify): _____

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

- a. Name of person served: _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. Mailed on (date): _____
- d. Mailed from (city): _____ (state): _____

6 Server's Information

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____

If you are a registered process server:

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

Proof of Service of Order After Hearing by Mail

Clerk stamps date here when form is filed.

You may serve form CH-130, Civil Harassment Restraining Order After Hearing, on the restrained person by mail if the restrained person was not at the hearing and:

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

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 Protected Person**

Name: _____

2 Restrained Person

Name: _____

PROOF OF SERVICE BY MAIL

- 3** I am 18 years of age or older and not a party to this proceeding or a person listed in item **3** of form CH-130. I live or am employed in the county where the mailing took place. I mailed the restrained person a copy of:

a. Form CH-130, *Civil Harassment Restraining Order After Hearing*b. ☐ Other (specify): _____

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

a. Mailed to (name): _____

b. To this address: _____

City: _____ State: _____ Zip: _____

c. On (date) _____ Mailed from: City: _____ State: _____

5 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

W22-01

Protective Orders: Civil Harassment Form Revisions and Rule Amendment (Amend Cal. Rules of Court, rule 3.1160; adopt forms CH-117 and CH-210; approve form CH-205-INFO; revise forms CH-116, CH-200, CH-200-INFO, and CH-250; revoke form CH-260.)

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

	Commenter	Position	Comment	Committee Response
1.	Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management	A	<u>General comments:</u> Recommend for approval as proposed. <u>Specific questions:</u> In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following: • Does the proposal appropriately address the stated purpose? Yes. It incorporates changes to forms to allow for alternative service as approved by the court. The advisory committee also seeks comments from courts on the following cost and implementation matters: • Would the proposal provide cost savings? If so, please quantify. No • What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W22-01

Protective Orders: Civil Harassment Form Revisions and Rule Amendment (Amend Cal. Rules of Court, rule 3.1160; adopt forms CH-117 and CH-210; approve form CH-205-INFO; revise forms CH-116, CH-200, CH-200-INFO, and CH-250; revoke form CH-260.)

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

	Commenter	Position	Comment	Committee Response
			The court will be required to update its CMS, update information in the civil harassment form packets, work with vendors to modify guided interview programs, update efilng system, train court staff and judicial officers. • Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. • How well would this proposal work in courts of different sizes? No comment.	
2.	Superior Court of San Bernardino County Civil and Small Claims Committees by Melissa Williams District Manager I	NI	Requested comments from courts on the Protective Orders: Civil Harassment Form: 1. Does the proposal appropriately address the stated purpose? Yes. 2. Would the proposal provide cost savings? If so, please quantify. The committee does not believe this would provide cost savings for the court.	The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W22-01

Protective Orders: Civil Harassment Form Revisions and Rule Amendment (Amend Cal. Rules of Court, rule 3.1160; adopt forms CH-117 and CH-210; approve form CH-205-INFO; revise forms CH-116, CH-200, CH-200-INFO, and CH-250; revoke form CH-260.)

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

	Commenter	Position	Comment	Committee Response
			3. What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? The court would be required to create procedures for when this is ordered by the judicial officer. New system codes for the case management systems (both Odyssey and Clerk’s Edition) would need to be created and training provided to legal processing assistants and judicial assistants. Training for staff would be minimal. Form packets would need to be updated and new QRGs would need to be generated and distributed. 4. Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. 5. How well would this proposal work in courts of different sizes? This proposal should work for courts of all sizes.	

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W22-01

Protective Orders: Civil Harassment Form Revisions and Rule Amendment (Amend Cal. Rules of Court, rule 3.1160; adopt forms CH-117 and CH-210; approve form CH-205-INFO; revise forms CH-116, CH-200, CH-200-INFO, and CH-250; revoke form CH-260.)

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

	Commenter	Position	Comment	Committee Response
3.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<u>Request for Specific Comments</u> Q: Does the proposal appropriately address the stated? Yes, in part. The amended/new forms, with the exception of CH-117 include a proposed revision date of September 2022. This will require courts to draft a local form/order for use until that time. In addition, the CH-117, which includes a proposed approved date of January 1, 2022, references a form that is not effective until September (i.e. CH-210 Summons). In order to eliminate the need for each court to draft local forms, it would be helpful if the committee would consider adopting the forms for earlier use. Q: Would the proposal provide cost savings? If so, please quantify. No. Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? As proposed, it would require the court to update its case management system, local procedures, create local forms pending the	Like the other forms in the proposal, the committee intended for form CH-117 to have an effective date of September 1, 2022 in the proposal. The January 1, 2022 effective date on form CH-117 was an error, which has been corrected. The committee notes that the forms currently in effect do not preclude petitioners from requesting alternative service or courts from authorizing it. The committee also notes that as part of the normal rulemaking process for the Judicial Council, form proposals circulated for comment in winter typically have September 1 effective dates in order to afford sufficient time for courts to prepare for the new and revised forms to go into effect. Accordingly, the committee declines this suggestion. The committee appreciates the information provided.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated

W22-01

Protective Orders: Civil Harassment Form Revisions and Rule Amendment (Amend Cal. Rules of Court, rule 3.1160; adopt forms CH-117 and CH-210; approve form CH-205-INFO; revise forms CH-116, CH-200, CH-200-INFO, and CH-250; revoke form CH-260.)

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

	Commenter	Position	Comment	Committee Response
			adoption of the JCC forms and then repeat the process once the JCC forms are approved. Q: Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes. However, since the legislation was effective January 1, 2022 it would benefit courts to have JCC approved forms prior to September 1, 2022. Q: How well would this proposal work in courts of different sizes? The proposal appears to work for courts of different sizes.	See response to first question, above. The committee appreciates the information provided.
4.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	A	The JRS notes that the proposal is required to conform to a change of law. The JRS also notes the following: Although the proposal suggests that there may be cost savings from the use of this form, we do not agree. Even recognizing that cost burdens are created by the statute, and that the implementation costs will be one-time and relatively minor, there will not be cost savings from the use of the form as stated in the proposal's Fiscal and Operational Impacts section.	The committee appreciates the information provided. In light of this comment, the report to the Judicial Council on this proposal does not include potential cost savings as a fiscal impact.

Positions: A = Agree; AM = Agree if modified; N = Do not agree; NI = Not indicated