



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-158

For business meeting on: September 19, 2023

Title

Protective Orders: Service Requirements
After Remote Appearances

Agenda Item Type

Action Required

Effective Date

January 1, 2024

Date of Report

August 4, 2023

Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130

Contact

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Recommended by

Civil and Small Claims Advisory Committee
Hon. Tamara L. Wood, Chair
Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulsey, Cochair
Hon. Amy M. Pellman, Cochair

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Executive Summary

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend adopting two California Rules of Court and revising 10 notice and order forms to clarify the service requirements for respondents who appear remotely in protective order proceedings. The committees make this recommendation because the statutory authority governing service of protective orders after hearing does not indicate the type of service required if the respondent appears remotely at the hearing.

Recommendation

The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2024, take the following actions to clarify service requirements relating to protective orders:

1. Adopt California Rules of Court, rules 3.1162 and 5.496;
2. Revise the following forms:
 - *Notice of Court Hearing* (form CH-109);
 - *Civil Harassment Restraining Order After Hearing* (form CH-130);
 - *Notice of Court Hearing* (form EA-109);
 - *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130);
 - *Notice of Court Hearing to Allow Contact* (form EA-309);
 - *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing* (form EA-330);
 - *Notice of Court Hearing* (form SV-109);
 - *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130);
 - *Notice of Court Hearing* (form WV-109); and
 - *Workplace Violence Restraining Order After Hearing* (form WV-130).

The proposed rules of court and revised forms are attached at pages 7–52, with all changes highlighted.

Relevant Previous Council Action

Under the Code of Civil Procedure, the Judicial Council must provide forms and instructions for use in civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence 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 council last approved substantive changes to such forms last year to implement legislation prohibiting persons restrained under civil restraining orders from possessing firearm parts or “ghost guns” (in addition to already prohibited firearms).

Analysis/Rationale

In 2020, the Judicial Council adopted emergency rule 8, among others, in response to the COVID-19 pandemic. Emergency rule 8 provided that a remote appearance by a respondent at a restraining order hearing is the same as a physical appearance in the courtroom for purposes of service.¹ Specifically, if a respondent appeared remotely, no further service was required on respondent for enforcement of the order, so long as other statutory requirements were met. Now that emergency rule 8 is no longer in effect—but remote appearances are statutorily authorized in these proceedings—clarification is needed as to whether a remote appearance should be treated the same as a physical appearance in court, for purposes of enforcement of the order against the respondent.

¹ Judicial Council of Cal., *Judicial Branch Administration: Emergency Rules in Response to the COVID-19 Pandemic* (Apr. 4, 2020), see www.courts.ca.gov/documents/appendix_1.pdf.

Furthermore, the statutory authority governing service of protective orders after hearing does not separately indicate the type of service required if the respondent appears remotely at the hearing. Specifically, the Code of Civil Procedure, the Family Code, and the Welfare and Institutions Code provide for enforcement after a “personal appearance,” providing that if a respondent to “a restraining order issued after a hearing has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, additional proof of service is not required for enforcement of the order.”²

Nowhere in the California Codes is “personal appearance in court” defined, and the committees are unaware of any authority that prevents such phrases from being understood to include remote appearances. Given that the statutes do not expressly address this issue, and that courts and council members have requested clarification on this point, the committees recommend clarification of the issue through court rules and reflecting such clarification on the applicable court forms.

Rules 3.1162 and 5.496

The committees recommend adoption of two substantively identical rules of court to explain that if a respondent appears at a protective order hearing using remote technology and meets the other requirements of the statutes, then no further proof of service is required to enforce an order issued after hearing. Proposed rule 3.1162 is included in the Civil Rules and governs protective orders issued under certain sections of the Code of Civil Procedure, the Penal Code, and the Welfare and Institutions Code, which cover civil harassment, elder abuse, gun violence, school violence, and workplace violence restraining orders. Proposed rule 5.496 is included in the Family and Juvenile Rules and applies to protective orders issued under certain sections of the Family Code that cover domestic violence restraining orders, and of the Welfare and Institutions Code that cover juvenile restraining orders.³

The substance of the rules borrows heavily from the operative statutory provisions, which establish the circumstances in which no additional proof of service of the order issued after hearing is needed for enforcement purposes—namely that the respondent “appear[ed]” at the hearing when the order was issued and received actual notice of the terms of the order.

² Code Civ. Proc., §§ 527.6(q) (civil harassment restraining orders), 527.8(q) (workplace violence restraining orders), 527.85(q) (school violence restraining orders); Fam. Code, § 6384(a) (domestic violence restraining orders); Welf. & Inst. Code, § 15657.03(o) (elder abuse restraining orders). Similarly, the Penal Code, which governs gun violence restraining orders, provides that the respondent’s “presence in court constitutes proof of service of notice of the terms of the order.” (Pen. Code, § 18115(d).)

³ The proposed rules do not apply to criminal protective orders.

Form revisions

The committees recommend revising the notice and order forms in the CH (civil harassment), DV (domestic violence), GV (gun violence), EA (elder abuse), SV (private postsecondary school violence), and WV (workplace violence) form sets.⁴

The committees recommend adding to the first page of form 109 in each form series, a notice to respondents that (1) attending the hearing remotely may result in immediate enforcement of any orders issued, and (2) the consequences of not appearing at the hearing. The committees also recommend including the following previously omitted information on the form: (1) advising the petitioner to attend the hearing and bring any witnesses and evidence, and (2) advising respondent of the ability to request a continuance of the hearing. The revisions to the forms in this set would also remove the requirement that the petitioner serve the respondent with a blank proof of service by mail (form 250), which is further discussed below in the “Comments” section.

The committees also recommend revising the *Restraining Order After Hearing* (form 130) in each form series. Specifically, the item for service in the order form is proposed to state that no other proof of service is needed if the respondent attends the hearing “either physically or remotely (by telephone or videoconference).”

Policy implications

The proposed rules and revised forms in this proposal reflect existing practice regarding service requirements after a remote appearance by the respondent at a hearing on a restraining order. Indeed, this proposal provides the necessary legal authority to continue what has been court practice since 2020. As such, the policy implications of this proposal are limited to confirming a prior policy decision in the rules of court and on council forms.

Comments

The new and revised forms were circulated for comments from March 30, 2023, to May 12, 2023. Comments were received from the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties; Bay Area Legal Aid; the California Lawyers Association; a Commissioner at the Superior Court of Los Angeles County; the Orange County Bar Association; and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee. All commenters either agreed with the proposal or did not state any objection to the proposal.

⁴ Because other changes relevant only to the DV and GV form sets are recommended in other judicial council reports, the DV and GV forms are included in those reports. Those reports are titled, *Protective Orders: Revisions to Gun Violence Restraining Order Forms* and *Domestic Violence: Form Changes to Implement New Laws*, and can be found at <https://jcc.legistar.com/Calendar.aspx> with the agenda for the September 19, 2023 Judicial Council meeting.

A chart with the full text of the comments received and the committee's responses is attached beginning at page 53. The principal comments and the committees' responses are summarized below.

Additional information in the proposed rules

Two commenters suggested modification to the rules recommended by the committees. Bay Area Legal Aid suggested that the rules replace "through the use of remote technology" with "by phone or video conference." The committees declined this suggestion as "through the use of remote technology" is a phrase used in California Rules of Court, rule 3.672 and Code of Civil Procedure section 367.75, both of which govern the use of remote appearances. Additionally, the forms already use the language suggested by the commenter.⁵

Another commenter suggested that the proposed rules of court should specify that the court must read the restraining order aloud to ensure that the restrained party has notice of the existence and the substance of the order. The committees determined that such a requirement is unnecessary as the rules already reference the respondent receiving "actual notice" of the existence and substance of the order.

Required service of a blank proof of service by mail form

Several commenters opined on the committees' proposal to remove the requirement on the notice of hearing forms that the petitioner serve the respondent with a blank proof of service by mail form. One commenter agreed that eliminating this requirement "appears to be consistent with other motion processes," and another did not see any problem with such a proposal. Other commenters, however, suggested that the specific proposal might result in fewer proofs of service being filed and that the benefit of the requirement is that the respondent is provided with all the forms necessary to respond. While the committees acknowledge the arguments on either side of this issue, they ultimately recommend removing the requirement from the form as it places additional burdens on the petitioner that may affect their ability to have the sheriff serve their papers or move forward in their case if service was defective. Additionally, in most other actions the plaintiff or petitioner is not required to serve blank forms on the opposing party.

Alternatives considered

In addition to the alternatives suggested by the commenters and discussed above, the committees considered not recommending any action on this issue but decided against it as the committees have been asked to address this issue several times by courts and members of the Judicial Council. All of the committees' recommendations in this proposal garnered broad support among committee members.

⁵ The committees did accept this commenter's suggestions to clarify "remote technology" on the order after hearing forms by adding a parenthetical including "phone" and "videoconference." Separately, the committees agreed with this commenter's suggestion that the notice of hearing forms include information advising petitioners that they may seek a hearing continuance for "good cause."

Fiscal and Operational Impacts

The committees anticipate that this proposal will require courts to train court staff and judicial officers on the newly approved rules and revised forms. Courts will also incur costs to incorporate the revised forms into the paper or electronic processes.

Attachments and Links

1. Cal. Rules of Court, rules 3.1162 and 5.496, at pages 7–8
2. Forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130, at pages 9–52
3. Chart of comments, at pages 53–59

Rules 3.1162 and 5.496 of the California Rules of Court are adopted, effective January 1, 2024, to read:

Title 3. Civil Rules

Division 11. Law and Motion

Chapter 3. Provisional and Injunctive Relief

Article 4. Protective Orders

Rule 3.1162. Service requirement for respondents who appear remotely

(a) Application of rule

This rule applies to protective orders issued under Code of Civil Procedure sections 527.6, 527.8, and 527.85; Penal Code sections 18100–18205; and Welfare and Institutions Code section 15657.03.

(b) No additional proof of service required

If the respondent named in an order issued after hearing appears at that hearing through the use of remote technology, and through that appearance has received actual notice of the existence and substance of the restraining order after hearing, no additional proof of service is required for enforcement of the order.

Title 5. Family and Juvenile Rules

Division 2. Rules Applicable in Family and Juvenile Proceedings

Chapter 4. Protective Orders

Rule 5.496. Service requirement for proposed restrained persons who appear remotely

(a) Application of rule

This rule applies to orders issued under part 4 of division 10 (Domestic Violence Prevention Act) of the Family Code and Welfare and Institutions Code section 213.5.

1 **(b) No additional proof of service required**

2
3 If the proposed restrained person named in an order issued after hearing appears at
4 that hearing through the use of remote technology, and through that appearance has
5 received actual notice of the existence and substance of the restraining order after
6 hearing, no additional proof of service is required for enforcement of the order.
7

DRAFT

6/20/2023

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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: _____

_____**To the person in ②:**

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

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 stated 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-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped) **IF GRANTED**
- f. ☐ 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"?*
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form CH-115-INFO, *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form CH-100, *Request for Civil Harassment Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form CH-100-INFO, *Can a Civil Harassment Restraining Order Help Me?*

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 (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form CH-115-INFO, *How to Ask for a New Hearing Date*.

**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

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

7/7/2023

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

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

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 Restrained Person

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

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	Gender	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 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 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 Firearms (Guns), Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers and frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. 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 firearms (guns) and firearm parts in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)
- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. ☐ 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 the physical possession of the person in (2) only during scheduled work hours and during travel to and from their 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.

This is a Court Order.



11 ☐ **Other Orders** (*specify*):

_____☐ Additional orders are attached at the end of this Order on Attachment 11.**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 AgencyAddress (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, either physically or remotely (by telephone or videoconference). 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 Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 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 firearms (guns) and firearm parts that you have or control as stated in 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 (see ⑬), 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 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 (see ⑬) 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 for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order 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.

DRAFT

6/20/2023

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 Elder or Dependent Adult in Need of Protection

a. Full Name: _____

☐ Person requesting protection for the elder or dependent adult, if different (*person named in item ③ of form EA-100*):

Full Name: _____

Lawyer for person named above (*if any for this case*):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address for person named above (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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 You Want Protection From

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:

To the person in ②:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

4 Temporary Restraining Orders (*Any orders granted are on form EA-110, served with this notice.*)a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, *Request for Elder on Dependent Adult Abuse 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.*)

4 Temporary Restraining Orders (Continued)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, are:

- (1) ☐ The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in (2).
- (2) ☐ Other (specify): ☐ As stated on Attachment 4b.

5 Service of Documents by 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 file-stamped copy of this form EA-109, *Notice of Court Hearing*, to the person in (2) along with a copy of all the forms indicated below:

- a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
- b. ☐ EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- d. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- e. ☐ 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 EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is "Proof of Personal Service"?*
- You may ask to reschedule the hearing if you are unable to find the person in (2) and need more time to serve the documents, or for other good reasons. Read form EA-115-INFO, *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form EA-100-INFO, *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*



To the Person in ② :

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse 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 EA-250, *Proof of Service of Response 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 sell or turn in any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO, *How to Ask for a New Hearing Date*.

**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

DRAFT

7/7/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL

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

1 Elder or Dependent Adult Seeking Protection

a. Full Name: _____

☐ Name of person asking for the protection, if different (*This is the person named in item ③ of the request (form EA-100).*)

Full Name: _____

Lawyer for person named above (*if any 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: _____

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*(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)*

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

3 Additional Protected Persons

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

Full Name Gender Age Lives with Person in ①? Relation to Person in ①

_____ ☐ Yes ☐ No __________ ☐ Yes ☐ No _____☐ Check here if there are additional protected 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 elder or dependent adult in need of protection
 - (2) ☐ The lawyer for the elder or dependent adult (*name*): _____
 - (3) ☐ The person in ① asking for protection (if not the elder or dependent adult)
 - (4) ☐ The lawyer for the person in ① asking for protection (*name*): _____
 - (5) ☐ The person in ②
 - (6) ☐ 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 elder or dependent adult named in ①
- ☐ and to the other protected persons listed in ③:
- (1) ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, 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 6a(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.

7 ☐ Stay-Away Orders

- a. You **must** stay at least _____ yards away from (*check all that apply*):
- (1) ☐ The elder or dependent adult in ①.
 - (2) ☐ Each person in ③.
 - (3) ☐ The home of the elder or dependent adult.
 - (4) ☐ The job or workplace of the elder or dependent adult.
 - (5) ☐ The vehicle of the elder or dependent adult.
 - (6) ☐ Other (*specify*): _____

- 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 ☐ **Move-Out Order**

You must immediately move out from and not return to *(address)*:

and must take only the personal clothing and belongings you need.

9 ☐ **Order for Counseling or Anger Management**

a. The person in **(2)** is ordered to attend:

☐ clinical counseling for _____ *(specify number)* sessions; or

☐ an anger management course

provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. The person in **(2)** must schedule clinical counseling or enroll in an anger management course by *(date)*: _____, or if no date is listed, within 30 days after this order is made. The person in **(2)** is ordered to file written proof of scheduling or enrollment with the court.

c. ☐ Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by *(date)*: _____, or the person in **(2)** must appear for a court date on

(date): _____ at *(time)*: _____ in Dept.: _____ Room: _____

10 ☐ **No Firearms (Guns), Firearm Parts, or Ammunition**

This Order must be granted unless the abuse is financial only.

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. If you have not already done so, you must:

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms and Firearm Parts*, for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

This is a Court Order.



- ⑩ e. ☐ 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*): _____

The firearm must be in the physical possession of the person in ② only during scheduled work hours and during travel to and from their 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.

⑪ **Financial Abuse**

This case ☐ does **not** ☐ does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

⑫ ☐ **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.

⑬ ☐ **Specific Debts**

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in ① by the person in ②.

<u>Money Owed To:</u>	<u>For:</u>	<u>Amount:</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

- ☐ Additional debts are attached at the end of this Order on Attachment 13.

⑭ ☐ **Lawyer's Fees and Costs**

You must pay to the person in ① the following amounts for ☐ lawyer's fees ☐ costs:

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

- ☐ Additional amounts are attached at the end of this Order on Attachment 14.

This is a Court Order.



15 ☐ **Other Orders** (*specify*):

☐ Additional orders are attached at the end of this Order on Attachment 15.**To the Person in 1 :****16** **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, you or your 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 AgencyAddress (City, State, Zip)

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 16.**17** **Service of Order on Restrained Person**

- a. ☐ The person in 2 personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. ☐ The person in 1 was at the hearing. The person in 2 was not.
- (1) ☐ Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in 2 must be served with this Order. Service may be by mail.
- (2) ☐ Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in 1 or 3—must personally serve a copy of this Order on the person in 2.

18 **No Fee to Serve (Notify) Restrained Person**

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

19 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 Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in ⑩ on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 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 firearms (guns) and firearm parts that you have or control as stated in ⑩. 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 (see ⑪), 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 Order

This order *starts* on the date next to the judge's signature on page 5. The order *ends* on the expiration date in 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 at the restraining order hearing (see ⑪) 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, 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.



Instructions for Law Enforcement**Conflicting Orders—Priorities for Enforcement**

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate
[seal]

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

I certify that this *Elder or Dependent Adult Abuse 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.

Notice of Court Hearing to Allow Contact

Clerk stamps date here when form is filed.

DRAFT

6/20/2023

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 Elders or Dependent Adults

Full Name: _____

Full Name: _____

Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____

☐ Lawyer for person requesting order:

Name: _____

Firm Name: _____

- b. ☐ Address for the person requesting order (If you have a lawyer, give your lawyer's information. If you 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: _____

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in ②:

Hearing
Date

Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

To the person in ②:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.



⑥ Service of Documents by the Person in ④

At least ☐ five ☐ _____ days before the hearing, someone age 18 or older—**not you or anybody else involved in the case**—must personally give (serve) a court file-stamped copy of this form EA-309, *Notice of Court Hearing to Allow Contact*, to the person in ② along with a copy of all the forms indicated below:

- a. EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (file-stamped)
- b. EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- c. EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*

Date: _____

Judicial Officer**To the Person in ④ :**

- The court cannot make the restraining order requested unless the person in ② has been personally given (served) a copy of your request. 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 EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is “Proof of Personal Service”?*
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*. Bring any evidence or witnesses you have. For more information, read form EA-300-INFO, *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?*

To the Person in ② :

- If you want to respond to the request for an order in writing, file form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*, and have someone age 18 or older—**not you or anybody else involved in the case**—mail it to the person in ④.
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response 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 order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.

**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 to Allow Contact* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

DRAFT

7/7/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL

Person in ④ must complete ①, ②, ③, and ④ only.

① Elders or Dependent Adults

Full Names: _____

② Person Preventing Contact

Full Name: _____

③ Person Who Wants Contact With the Elders or
Dependent Adults

Full Name: _____

④ Person Requesting Order

a. Full Name: _____

Lawyer for person requesting order (if any 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: _____

⑤ 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.

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

This is a Court Order.

6 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 elders or dependent adults to receive contact
 - (2) ☐ The lawyer for the elders or dependent adults *(name)*: _____
 - (3) ☐ The person in ④ requesting the order *(name)*: _____
 - (4) ☐ The lawyer for the person in ④ requesting the order *(name)*: _____
 - (5) ☐ The person in ② *(name)*: _____
 - (6) ☐ The lawyer for the person in ② *(name)*: _____
 - ☐ Additional persons present are listed at the end of this Order on Attachment 6.
- 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.

7 ☐ Order Allowing Contact

- a. ☐ You may not prevent the person in ③ from in-person or remote online or telephonic visits with the elders or dependent adults in ①.
- b. ☐ Other terms of order allowing contact *(specify)*:

8 ☐ Other Orders *(specify)*:

- ☐ Additional orders are attached at the end of this Order on Attachment 8.

This is a Court Order.

9 ☐ **Lawyer's Fees and Costs**

You must pay to the person who requested the order the following amounts for ☐ lawyer's fees ☐ costs:

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

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

To the Person in 4 :**10 Service of Order**

- a. ☐ The person in 2 personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. ☐ The person in 2 was not at the hearing. Someone—but not anyone in 1 or 4—must personally serve a copy of this Order on the person in 2.

11 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____

Judicial Officer

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

This order is enforceable by any law enforcement agency that has received the order or is shown a copy of the order. 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 (see 10) 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 Order

This order *starts* on the date next to the judge's signature on page 3. The order *ends* on the expiration date in 5 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.

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 (see (10)) or was informed of the order by an officer.

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.

Conflicting Orders—Priority of Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment) then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Elder or Dependent Adult Restraining Order Allowing Contact 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.

DRAFT

6/20/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL**1 Petitioner (Educational Institution Officer or Employee)**

a. Name:

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

*The court will complete the rest of this form.***4 Notice of Hearing****A court hearing is scheduled on the request for restraining orders against the respondent:****Hearing
Date**→ Date: _____ Time: _____
Dept.: _____ Room: _____
Name and address of court if different from above:

_____**To the person in ③:**

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

5 Temporary Restraining Orders (Any orders granted are on form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form SV-100, Request for Private Postsecondary School Violence 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 that Temporary Restraining Orders as requested in form SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*, for personal conduct or stay-away are denied are:

- (1) ☐ The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has suffered a credible threat of violence made off the school campus or facility by the respondent, and that great or irreparable harm would result to the student if a temporary restraining order is not issued.
- (2) ☐ Other (*specify*): ☐ As stated on Attachment 5b.

6 Service of Documents by the Petitioner

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 file-stamped copy of this form SV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Private Postsecondary School Violence Restraining Orders* (file-stamped)
- b. ☐ SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- d. SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- e. ☐ Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form SV-200, *Proof of Personal Service*, may be used.
- For information about service, read form SV-200-INFO, *What Is "Proof of Personal Service"?*
- You may ask to reschedule the hearing if you are unable to find the respondent and need more time to serve the documents, or for other good reasons. Read form SV-115-INFO, *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form SV-100-INFO, *How Do I Get an Order to Prohibit Private Postsecondary School Violence?*



To the Respondent:

- If you want to respond to the request for orders in writing, file form SV-120, *Response to **Petition** for Private Postsecondary School Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form SV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring 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 three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form SV-115-INFO, *How to Ask for a New Hearing Date*.

**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

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

7/7/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 ☐ Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to student
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Additional protected persons are listed at the end of this Order on Attachment 4.**5 Expiration Date***This Order, except for any award of lawyer's fees, expires at*Date: _____ Time: _____ ☐ a.m. ☐ p.m.

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

This is a Court Order.

6 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 petitioner/school representative *(name)*: _____
- (2) ☐ The lawyer for the petitioner/school *(name)*: _____
- (3) ☐ The student (4) ☐ The lawyer for the student *(name)*: _____
- (5) ☐ The respondent (6) ☐ The lawyer for the respondent *(name)*: _____
- ☐ Additional persons present are listed at the end of this Order on Attachment 6b.
- c. ☐ The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

- a. You are ordered **not** do the following things to the student
- ☐ and to the other protected persons listed in **(4)**:
- (1) ☐ Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☐ Commit acts of violence or make threats of violence against the person.
- (3) ☐ Follow or stalk the person during school hours or to or from the school.
- (4) ☐ 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.
- (5) ☐ Enter the person's school.
- (6) ☐ Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) ☐ Other *(specify)*:
☐ Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

- 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.

This is a Court Order.

8 Stay-Away Orders

a. You **must** stay at least _____ yards away from (*check all that apply*):

- | | |
|---|--|
| (1) <input type="checkbox"/> The student. | (7) <input type="checkbox"/> The student's children's place of child care. |
| (2) <input type="checkbox"/> Each other protected person listed in (4). | (8) <input type="checkbox"/> The student's vehicle. |
| (3) <input type="checkbox"/> The school. | (9) <input type="checkbox"/> Other (<i>specify</i>): |
| (4) <input type="checkbox"/> The student's home. | _____ |
| (5) <input type="checkbox"/> The student's job or workplace. | _____ |
| (6) <input type="checkbox"/> The student's children's school. | _____ |

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

9 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. 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 firearms (guns) and firearm parts in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearm (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form SV-800) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

e. ☐ 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 (3) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

The firearm must be in the physical possession of the person in (3) only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in (3) may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



10 ☐ **Costs**

You must pay the following amounts for costs to the petitioner:

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

☐ Additional amounts are attached at the end of this Order on Attachment 10.

11 ☐ **Other Orders** (*specify*):

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

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 petitioner or the petitioner's 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 Respondent**

- a. ☐ The respondent personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. ☐ The respondent did not attend the hearing.
- (1) ☐ Proof of service of form SV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form SV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
- (2) ☐ The judge's orders in this form are different from the temporary restraining orders in form SV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

This is a Court Order.

14 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

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

Date: _____

Judicial Officer

Warning and Notice to the Respondent:**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 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 firearms (guns) and firearm parts that you have or control as stated in **9** 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). Agencies are encouraged to enter violation messages into 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 (see **13**), 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 5 and *ends* on the expiration date in **5** on page 1.

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 for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate
[seal]

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

I certify that this *Private Postsecondary School Violence 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.

DRAFT

6/20/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL**1 Petitioner (Employer)**

a. Name:

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

The court will complete the rest of this form.

4 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the respondent:

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____**To the person in (3):**

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

5 Temporary Restraining Orders (Any orders granted are on form WV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form WV-100, Request for Workplace Violence 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.)

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

- (1) ☐ The facts as stated in form WV-100 do not sufficiently show reasonable proof that the employee has suffered unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) ☐ Other (*specify*): ☐ As stated on Attachment 5b.

6 Service of Documents by the Petitioner

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 file-stamped copy of this form WV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. WV-100, *Petition for Workplace Violence Restraining Orders* (file-stamped)
- b. ☐ WV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. WV-120, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- d. WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
- e. ☐ Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner:

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form WV-200, *Proof of Personal Service*, may be used.
- For information about service, read form WV-200-INFO, *What Is “Proof of Personal Service”?*
- You may ask to reschedule the hearing if you are unable to find the respondent and need more time to serve the documents, or for other good reasons. Read form WV-115-INFO, *How to Ask for a New Hearing Date*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form WV-100, *Petition for Workplace Violence Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form WV-100-INFO, *How Do I Get an Order to Prohibit Workplace Violence?*



To the Respondent:

- If you want to respond to the request for orders in writing, file form WV-120, *Response to Petition for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring 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 three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form WV-115-INFO, *How to Ask for a New Hearing Date*.

**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

Clerk stamps date here when form is filed.

DRAFT

7/7/2023

NOT APPROVED BY THE
JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 ☐ Additional Protected Persons

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

Full Name	Gender	Age	Household Member?	Relation to employee
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Additional protected persons are listed at the end of this Order on Attachment 4.**5 Expiration Date**

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

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

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

This is a Court Order.

6 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 petitioner/employer *(name)*: _____
- (2) ☐ The lawyer for the petitioner/employer *(name)*: _____
- (3) ☐ The employee (4) ☐ The lawyer for the employee *(name)*: _____
- (5) ☐ The respondent (6) ☐ The lawyer for the respondent *(name)*: _____
- ☐ Additional persons present are listed at the end of this Order on Attachment 6b.
- c. ☐ The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

- a. You are ordered **not** do the following things to the employee
☐ and to the other protected persons listed in **4**:
- (1) ☐ Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☐ Commit acts of violence or make threats of violence against the person.
- (3) ☐ Follow or stalk the person during work hours or to or from the place of work.
- (4) ☐ 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.
- (5) ☐ Enter the person's workplace.
- (6) ☐ Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) ☐ Other *(specify)*:
☐ Other personal conduct orders are attached at the end of this Order on Attachment 7a(7).

- 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.

This is a Court Order.

8 Stay-Away Orders

a. You **must** stay at least _____ yards away from (*check all that apply*):

- (1) ☐ The employee. (7) ☐ The employee's children's place of child care.
 (2) ☐ Each other protected person listed in (4). (8) ☐ The employee's vehicle.
 (3) ☐ The employee's workplace. (9) ☐ Other (*specify*):
 (4) ☐ The employee's home. _____
 (5) ☐ The employee's school. _____
 (6) ☐ The employee's children's school. _____

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

9 No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

- (1) Firearms (guns);
 (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 (3) Ammunition.

c. 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 firearms (guns) and firearm parts in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

e. ☐ 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 (3) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

The firearm must be in the physical possession of the person in (3) only during scheduled work hours and during travel to and from their place of employment. Even if exempt under California law, the person in (3) may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



10 ☐ **Costs**

You must pay the following amounts for costs to the petitioner:

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

☐ Additional amounts are attached at the end of this Order on Attachment 10.

11 ☐ **Other Orders** (*specify*):

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

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 petitioner or the petitioner's 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 Respondent**

- a. ☐ The respondent personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. ☐ The respondent did not attend the hearing.
 - (1) ☐ Proof of service of form WV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form WV-110 except for the expiration date. The respondent must be served with this Order. Service may be by mail.
 - (2) ☐ The judge's orders in this form are different from the temporary restraining orders in form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this Order on the respondent.

This is a Court Order.

14 No Fee to Serve (Notify) Restrained Person

The sheriff or marshal will serve this Order without charge because the Order is based on a credible threat of violence or stalking.

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

Date: _____

Judicial Officer

Warning and Notice to the Respondent:**You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 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 firearms (guns) and firearm parts that you have or control as stated in **9** 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). Agencies are encouraged to enter violation messages into 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 (see **13**), 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 5 and *ends* on the expiration date in **5** on page 1.

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 for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 7a(4) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

Clerk's Certificate
[seal]

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

I certify that this *Workplace Violence 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.

SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
1.	Bay Area Legal Aid by Kemi Mustapha Family Law Supervising Attorney	NI	<p>Service Requirements After Remote Appearances (Item Number SPR23-30)</p> <ul style="list-style-type: none">• <i>Rules 3.1162 and 5.496</i> <p>BayLegal strongly supports the addition of Rules 3.1162 and 5.496 to the California Rule of Court so that remote appearances by restrained parties are treated the same as a physical appearance in court for purposes of enforcement of protective orders since courts are still routinely holding remote hearings for protective order cases.</p>	The committees appreciate the information provided.
			<p>BayLegal recommends that subsection (b) of both rules remove any ambiguity as what is considered a remote appearance by a restrained party by replacing “through the use of remote technology” with “by phone or video conference.” Subsection (b) would read:</p> <p><u>(b) No additional proof of service required</u></p> <p><u>If the respondent named in an order issued after hearing appears at that hearing by phone or video conference, and through that appearance has received actual notice of the existence and substance of the restraining order after hearing, no additional proof of service is required for enforcement of the order.</u></p> <p>This suggested language aligns with the Judicial Council’s proposed changes to the 109 forms, notifying the restrained party, “If you attend the</p>	The committees decline this suggestion as the language in the proposed rules is consistent with California Rules of Court, rule 3.672 and Code of Civil Procedure section 367.75. Furthermore, the forms use the suggested language.

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

SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

Commenter	Position	Comment	Committee Response
		<p>hearing (<i>in person, by phone, or by videoconference</i>) and the judge grants a restraining order against you, the order will be effective immediately and you could be arrested if you violate the order.” (emphasis added).</p> <p>With this change, BayLegal believes that the proposal addresses the stated purposes.</p> <ul style="list-style-type: none">• <i>Proposed Changes to Notice of Court Hearing (form 109)</i> <p>As mentioned above, BayLegal prefers the language in this form that makes clear to respondents that appearing by phone or video is considered a remote appearance.</p> <p>BayLegal also supports the need for notices to protected and restrained parties to be consistent, especially advising petitioners of the need to attend the hearing and bring witnesses and evidence.</p> <p>However, as currently drafted, petitioners are advised they have a right to continuance only if they need more time to serve respondent. We propose that petitioners are advised of their right to also request a continuance for other good reasons (good cause). This is consistent with the law in Family Code § 245 (b), for example (“Either party may request a continuance of the hearing, which the court shall grant on a showing of good cause.”).</p>	<p>The committees appreciate the information provided.</p> <p>In light of this suggestion, the notice of hearing forms in the proposal now notifies petitioner that they may ask to reschedule the hearing if they are unable to effectuate service or “for other good reasons.”</p>

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

SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"><i>Proposed Changes to Restraining Order After Hearing (form 130)</i> <p>Again, BayLegal proposes clarifying or defining “remote technology” to include appearances by phone or video conference.</p>	In light of this comment, the language has been revised to “either physically or remotely (by telephone or videoconference).”
2.	California Lawyers Association by Family Law Section Executive Committee	NI	<u>Protective Orders: Service Requirements After Remote Appearances – SPR23-30</u> FLEXCOM agrees with this proposal as to adding Rule 5.496, and takes no position as to the remainder of the proposal.	The committees appreciate the information provided.
3.	Steven Ipson Commissioner Los Angeles	A	<p>I agree with the proposed changes clarifying essentially that a remote appearance is treated the same as an in-person appearance at a restraining order hearing. I note that the proposed rules require the restrained party to have notice of the existence and substance of the order. Should the rule clarify that the court must read the order aloud? That is my practice whether the restrained person is in the courtroom or online.</p> <p>I don't see a problem with removing the requirement that the respondent receive a blank Form 250.</p>	<p>The committees decline this suggestion. The proposed rules already reference the respondent receiving “actual notice” of the existence and substance of the order.</p> <p>The committees appreciate the information provided, and recommend removing the requirement on the notice of hearing forms to serve a blank proof of service by mail form on respondent.</p>
4.	Orange County Bar Association by Michael A. Gregg President	A		No response required.
5.	Superior Court of California, County of Los Angeles by Bryan Borys	AM	The following comments are submitted on behalf of the Los Angeles Superior Court.	The committees appreciate the information provided. However, given the extra burden serving the form places on petitioner the

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SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
	Director of Research and Data Management		<p>General Comments:</p> <ul style="list-style-type: none"> o Removing the requirement to serve the proof of service by mail (Form 250) on respondent with the notice of hearing may result in fewer respondents filing the proof of service of their response. <p>Regarding CH-130 Civil Harassment Restraining Order After Hearing (this comment also pertains to other Restraining Orders, series 130 & 330, forms):</p> <ul style="list-style-type: none"> o Page 5, Instructions for Law Enforcement, Notice/Proof of Service: Suggest adding an additional bullet instructing law enforcement to refer to Section 13a (on CH-130), Section 17a (on EA-130), and Section 10a (on EA-330) to assist in their determination of whether the restrained person had notice of the order. 	<p>committees recommend removing the requirement on the notice of hearing forms to serve a blank proof of service by mail form on respondent.</p> <p>In light of this comment, such a reference has been made on the order after hearing forms in the proposal.</p>
6.	Superior Court of California, County of Orange Family Law/Juvenile	NI	<p>Specific Comments</p> <ul style="list-style-type: none"> • <u>Does the Proposal appropriately address the stated purpose?</u> <p>Yes.</p> <ul style="list-style-type: none"> • <u>Would removing the requirement to serve the proof of service by mail (form 250) on respondent along with the notice of hearing have any unintended consequences?</u> <p>No</p>	<p>The committees appreciate the information provided.</p> <p>The committees appreciate the information provided.</p>

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

SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <u>Would the proposal provide cost savings? If so, please quantify.</u> No cost savings anticipated. 	The committees appreciate the information provided.
			<ul style="list-style-type: none"> <u>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?</u> This implementation would require notification of the change in Service requirements to courtroom and case processing staff, judicial officers, and the Protective Order Unit. 	The committees appreciate the information provided.
			<ul style="list-style-type: none"> <u>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</u> Yes. 	The committees appreciate the information provided.
			<ul style="list-style-type: none"> <u>How well would this proposal work in courts of different sizes?</u> Our court is a large court, and this could work for Orange County. 	The committees appreciate the information provided.
7.	Superior Court of California, County of Riverside by Susan Ryan Chief Deputy of Legal Services	A	<p>The proposed edits are clear and no edits are proposed.</p> <p>Does the proposal appropriately address the stated purpose?</p> <p>Yes. The proposed edits meet the purpose of the clearly explaining that the respondent for these specific restraining order hearings may appear</p>	<p>The committees appreciate the information provided.</p> <p>The committees appreciate the information provided.</p>

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SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			remotely and it will be tantamount to them being there in person. It is clearly stated that orders made at a hearing where there is a remote appearance will be effective immediately and no further service will be required.	
			Would removing the requirement to serve the proof of service by mail (form 250) on respondent along with the notice of hearing have any unintended consequences?	The committees appreciate the information provided. However, given the extra burden serving the form places on petitioner, the committees recommend removing from the notice of hearing forms the requirement to serve a blank proof of service by mail form on respondent.
			The benefit of including the form is that it provides the respondent with all of their forms necessary to respond and serve (as is done in many other cases).	
			The court staff should anticipate that respondents will not realize the service requirements if the form is not included. An alternative automated notification to the respondent could be implemented in the case management system when proof of service on response has not been filed.	The committees appreciate the information provided.
8.	Superior Court of California, County of San Diego by Mike Roddy Executive Officer	A	Request for Specific Comments	The committees appreciate the information provided.
			Does the proposal appropriately address the stated purpose? Yes.	
			Would the proposal provide cost savings? If so, please quantify. No.	The committees appreciate the information provided.
			What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training),	The committees appreciate the information provided.

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

SPR23-30

Protective Orders: Service Requirements After Remote Appearances (Adopt Cal. Rules of Court, rules 3.1162 and 5.496; revise forms CH-109, CH-130, EA-109, EA-130, EA-309, EA-330, SV-109, SV-130, WV-109, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems? Updating internal procedures and local packets.	
			Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes, provided the final versions of the forms are provided to the court at that time. This will ensure that the court is able to update local packets and obtain printed stock.	The committees appreciate the information provided.
			How well would this proposal work in courts of different sizes? It appears the proposal would work for courts of various sizes.	The committees appreciate the information provided.
			No additional Comments.	
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAEC Joint Rules Subcommittee)	A	The proposal appropriately and adequately addresses the stated purpose. Removal of service of the blank proof of service form appears to be consistent with other motion processes. Although a short amount of training will likely be necessary to process the new form, the time and expense does not appear to be significant, particularly considering processes that were in place pursuant to Emergency Rule 8. Additionally, it would require a minor modification in coding for case management systems. Three months appears to be adequate to provide training and institute the change.	The committees appreciate the information provided, and recommend removing the requirement to serve a blank proof of service by mail form on respondent.

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