

Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 24-167 For business meeting on September 20, 2024

Title

Protective Orders: Revisions to Civil Forms to Implement New Law

Rules, Forms, Standards, or Statutes Affected

Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-125, GV-130, GV-710, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730

Recommended by

Civil and Small Claims Advisory Committee Hon. Tamara L. Wood, Chair Agenda Item Type Action Required

Effective Date January 1, 2025

Date of Report August 27, 2024

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Executive Summary

The Civil and Small Claims Advisory Committee recommends the revision of 52 protective order forms to implement three significant changes to the law. First, changes are needed to all the restraining order form series, including the Gun Violence, Civil Harassment, Elder Abuse, Workplace Violence, and Private Postsecondary School Violence forms, to implement a new law prohibiting the possession of body armor by those who are prohibited from possessing firearms.

Second, further changes are needed to gun violence restraining order forms to reflect a new law that permits the acquisition of body armor to be considered as evidence in determining whether to issue such a restraining order. Finally, additional changes are needed to certain workplace violence restraining order forms to implement new laws that add harassment as a basis for such orders, permit collective bargaining representatives to petition for orders, and allow the employee who suffered the harassment, violence, or threat of violence to opt out of being named in orders.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2025, revise the following protective order forms in response to recent legislative amendments:

- Request for Civil Harassment Restraining Orders (form CH-100);
- Can a Civil Harassment Restraining Order Help Me? (form CH-100-INFO);
- *Notice of Court Hearing* (form CH-109);
- *Temporary Restraining Order* (form CH-110);
- Response to Request for Civil Harassment Restraining Orders (form CH-120);
- *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO); *Civil Harassment Restraining Order After Hearing* (form CH-130);
- Request for Elder or Dependent Adult Abuse Restraining Orders (form EA-100);
- *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO);
- *Notice of Court Hearing* (form EA-109);
- *Temporary Restraining Order* (form EA-110);
- *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120);
- *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO);
- Elder or Dependent Adult Abuse Restraining Order After Hearing (form EA-130);
- *Gun Violence Emergency Protective Order* (form EPO-002);
- Response to Gun Violence Emergency Protective Order (form GV-020);
- *How Can I Respond to a Gun Violence Emergency Protective Order?* (form GV-020-INFO);
- Gun Violence Restraining Order After Hearing on EPO-002 (form GV-030);
- Petition for Gun Violence Restraining Order (form GV-100);
- Can a Gun Violence Restraining Order Help Me? (form GV-100-INFO);
- *Notice of Court Hearing* (form GV-109);
- *Temporary Gun Violence Restraining Order* (form GV-110);
- Response to Petition for Gun Violence Restraining Order (form GV-120);
- *How Can I Respond to a Petition for a Gun Violence Restraining Order?* (form GV-120-INFO);
- Consent to Gun Violence Restraining Order and Surrender of Firearms (form GV-125);

- *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130);
- Notice of Hearing on Request to Renew Gun Violence Restraining Order (form GV-710);
- Petition for Private Postsecondary School Violence Restraining Orders (form SV-100);
- *How Do I Get an Order to Prohibit Private Postsecondary School Violence?* (form SV-100-INFO);
- *Notice of Court Hearing* (form SV-109);
- *Temporary Restraining Order* (form SV-110);
- Response to Petition for Private Postsecondary School Violence Restraining Orders (form SV-120);
- *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO);
- Private Postsecondary School Violence Restraining Order After Hearing (form SV-130);
- Petition for Workplace Violence Restraining Orders (form WV-100);
- How Do I Get an Order to Prohibit Workplace Violence? (form WV-100-INFO);
- *Notice of Court Hearing* (form WV-109);
- *Temporary Restraining Order* (form WV-110);
- *Request to Continue Court Hearing* (form WV-115);
- Order on Request to Continue Hearing (form WV-116);
- Response to Petition for Workplace Violence Restraining Orders (form WV-120);
- *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO);
- Workplace Violence Restraining Order After Hearing (form WV-130);
- *Proof of Personal Service* (form WV-200);
- Proof of Service of Response by Mail (form WV-250);
- *Proof of Service of Order After Hearing by Mail* (form WV-260);
- Request to Renew Restraining Order (form WV-700);
- *Notice of Hearing to Renew Restraining Order* (form WV-710);
- Request to Reschedule Hearing to Renew Restraining Order (form WV-715);
- Order to Reschedule Hearing to Renew Restraining Order (form WV-716);
- Response to Request to Renew Restraining Order (form WV-720); and
- Order Renewing Workplace Violence Restraining Order (form WV-730).

The proposed revised forms are attached at pages 12–202.

Relevant Previous Council Action

Under the Code of Civil Procedure and the Penal Code, the Judicial Council must provide forms and instructions for use in civil harassment, elder and dependent adult abuse, gun violence, 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 in 2023 to clarify the service requirements for respondents who appear remotely in protective order proceedings and to implement new law permitting additional categories of individuals to petition for gun violence restraining orders.

Analysis/Rationale

Body armor

Background

Last year, the Legislature enacted Assembly Bill 92 (Stats. 2023, ch. 232),¹ under which a person prohibited from possessing firearms is also prohibited from possessing, owning, or buying body armor.² Under AB 92, courts must now advise restrained persons that they are prohibited from possessing, owning, or buying body armor when they are advised of the firearm prohibition.³ AB 92 affects protective order forms because the governing law of most protective orders provides that upon issuance of the order the restrained person is prohibited from possessing firearms, ammunition, and other items.⁴

Importantly, the statutory prohibitions for body armor use different language than the prohibitions for firearms ammunition. Specifically, Penal Code section 31360 states that a person who "purchases, owns, or possesses" body armor is guilty of a crime. But after the issuance of most protective orders, the restrained person "shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm or ammunition."⁵ Additionally, the new law also requires the prohibited person to relinquish body armor that they possess.⁶ However, unlike firearms (and sometimes ammunition), which have statutorily required relinquishment procedure for body armor outlined in the statute.

Form changes

To implement AB 92, the committee recommends new information on protective order forms explaining the new prohibition on possessing, owning, or buying body armor. The format for such information varies based on the form type (i.e., petition, response, notice of hearing, order, and information sheet).⁷

⁴ See, e.g., Code Civ. Proc., §§ 527.6(u), 527.85(s).

⁶ Pen. Code, § 31360(b)(2).

¹ AB 92 is available at *https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB92*.

² Pen. Code, § 31360(b)(1) & (2).

³ Pen. Code, § 31360(b)(2).

⁵ Ibid.

⁷ The advisory committee worked with the Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee to ensure that the language being recommended to implement AB 92 is consistent throughout all the Judicial Council protective order forms, including those in the Domestic Violence, Juvenile, and Criminal form series as well as the ones recommended here.

The committee recommends including a new item on the order forms (forms with numbers 30, 110, and 130). The firearm prohibition item on the current forms tracks the relevant statutes by listing the numerous ways the respondent may not possess firearms and other items and by outlining the statutorily prescribed relinquishment process for firearms. Since the statutory language for the new body armor prohibition places far fewer limitations on the respondent and has no specific relinquishment procedure, the committee recommends including a separate item for body armor prohibition on the order forms.⁸ See, for example, form CH-110 at item 8.

For the same reasons, the committee also recommends a new body armor item on response forms (forms with numbers 20 and 120). This new recommended item includes specific content related to body armor and follows the structure of the existing firearm prohibition item. The respondent must check boxes stating that they do not have any body armor, that they have relinquished all their body armor, or that they will ask for an exception to keep their body armor. See, for example, form CH-120 at item 7.

Current petitions (forms with number 100) and notice of hearing forms (forms with number 109) include a general statement advising of the firearm prohibition and relinquishment procedure if the order is granted. The committee recommends adding a new sentence in this item of the forms advising that if the order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and must relinquish any that they have. See, for example, form CH-100 at item 10.

Most of the current information sheets (forms with identifiers ending in INFO) simply state that the judge can order the respondent to not have firearms and other items. Accordingly, the committee believes that a simple addition of body armor to the list of prohibited items included in the sheet is sufficient. See, for example, CH-100-INFO at page 1. The gun violence restraining order information sheets (forms GV-020-INFO, GV-100-INFO, and GV-120-INFO) are more complicated as they spell out the required relinquishment procedures. Accordingly, the committee recommends that those forms contain a separate sentence stating that the respondent may not own, possess, or buy body armor and if they have any they must relinquish it. See, for example, form GV-100-INFO at page 1.

The Gun Violence forms include one form not contained in the other protective order series, which the committee is also recommending be revised in light of AB 92, *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125). The committee recommends revisions to the form consistent with the other forms in the proposal, including an additional sentence in item 3 advising the respondent of the body armor prohibition and a new

⁸ Form EPO-002 is also an order form and contains the same added language, but given that the current EPO forms are limited to a one-page form designed to be completed by law enforcement in the field, it is not in a new item.

item 5 requiring the respondent to state if they have any body armor, whether it has been surrendered, and whether they will seek an exception to retain the body armor.⁹

Gun violence evidence

The Legislature also enacted Assembly Bill 301 (Stats. 2023, ch. 234)¹⁰ last year, which adds "evidence of acquisition of body armor" as permissible evidence that a court may consider in determining whether grounds for a gun violence restraining order exist. Acquisition of body armor joins seven other types of evidence that the court may consider under Penal Code section 18155(b)(2).

To implement this new law, the committee recommends adding the acquisition of body armor to the existing discussion on *Can a Gun Violence Restraining Order Help Me?* (form GV-100-INFO) regarding how the petitioner can convince the judge to issue the restraining order.¹¹

In addition, in reviewing forms to implement AB 301, the committee examined the petition (form GV-100). Item 6 of the form is where the petitioner explains why an order is needed. Current item 6 lists the statements that petitioner must prove for an order to be issued (that respondent poses a danger and less restrictive alternatives to an order are inadequate) and then provides space for facts supporting those statements. The committee believes revisions to this item would be helpful to courts and court users. Specifically, the committee recommends instructing petitioner to explain why an order is needed, including how the respondent poses a danger and why other alternatives are inadequate, and then providing a bulleted list of the evidence that the petitioner can offer to make such showings (including the purchase of body armor, as a result of AB 301).¹²

Workplace violence restraining orders

New law

The Legislature enacted Senate Bill 428 (Stats. 2023, ch. 286)¹³ and Senate Bill 553 (Stats. 2023, ch. 289),¹⁴ which make the following three substantive changes to the issuance of workplace violence restraining orders:

⁹ The recommended revisions also include minor modifications to the form to reflect that the relevant statutory provision on firearms prohibits a person from "having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition" (Pen. Code, § 18100(a)), while the relevant statutory provision on body armor makes a person who "purchases, owns, or possesses" guilty of a misdemeanor (Pen. Code, § 31360(b)(1)). See revisions at items 2 and 4.

¹⁰ AB 301 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB301.

¹¹ The committee also recommends a minor revision to form GV-100-INFO to remove the heading "How can I convince the judge?" because it appears to be redundant with the heading before it.

¹² The committee also recommends a minor revision to form GV-710 to replace an incorrect reference to "respondent" with "petitioner" in the form's instructions as part of this proposal.

¹³ SB 428 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB428.

¹⁴ SB 553 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=202320240SB553.

- The new laws add a new basis for the issuance of a workplace violence restraining order—an employee suffering "harassment," as defined in the statute.¹⁵ (Previously, an employee had to suffer unlawful violence or a credible threat of violence.)
- The new laws add statutory provisions permitting an employee's collective bargaining representative to seek an order. (Previously, only an employer could seek an order.)¹⁶
- The new legislation requires the petitioner to allow the employee who suffered harassment, violence, or a threat of violence the opportunity to "decline to be named" in the restraining order.¹⁷ However, the employee declining to be named does not prohibit the petitioner from seeking a restraining order "on behalf of other employees at the workplace."¹⁸

Form changes

The committee recommends several form revisions to implement the statutory provisions related to workplace violence restraining orders in SB 428 and SB 553.

Given that the petitioner may now seek an order based on harassment by the respondent, the committee recommends adding a new subitem in item 8a of the petition (form WV-100). The new subitem allows the petitioner to allege that the respondent's conduct included harassment as described in Code of Civil Procedure section 527.8(b)(4). The committee also recommends adding harassment to the list of wrongful actions that may form the basis for issuing a temporary restraining order on the notice of hearing form (WV-109 in item 5b).

The committee recommends minimal revisions to the form set to implement the new provision permitting a collective bargaining representative to seek an order. Such recommended revisions include: (1) adding "or collective bargaining representative" wherever the employer (petitioner) is mentioned in the forms, (2) asking for the union name on the petition (form WV-100) if the petitioner is a collective bargaining representative,¹⁹ and (3) including additional statutory requirements for the collective bargaining representative petitioner on the information sheet (form WV-100-INFO).

Finally, the committee recommends the following form revisions to implement the new statutory provision permitting the employee who suffered harassment, violence, or threat of violence to opt out of being named in the restraining order:

¹⁵ Code Civ. Proc., §§ 527.8(a) & (b)(4).

¹⁶ Code Civ. Proc., § 527.8(a).

¹⁷ Code Civ. Proc., § 527.8(e).

¹⁸ Ibid.

¹⁹ The committee recommends removing the information about the employer's type of entity from item 1 of the petition, as the information sheet mentions that a corporation-petitioner must be represented by an attorney.

- Change the references to "employee in need of protection" to "employee who suffered harassment, violence, or threat of violence" on the petition (form WV-100), proofs of service (forms WV-200, WV-250, and WV-260), and renewal forms (forms WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730).²⁰ In a similar vein, the committee recommends the reference "employee who petitioner asserts suffered harassment, violence, or threat of violence" be used on the notice of hearing (form WV-109) and response (form WV-120).
- Revise the order form (form WV-130) to make renumbered item 14 concerning free service optional as free service may not be available where the basis for the order was harassment and not violence or stalking.
- Eliminate references to "additional protected persons" wherever it appears in the Workplace Violence forms and instead refer only to "protected persons."
- Revise the orders (forms WV-110 and WV-130) to include a single item for protected persons (rather than separate items for "Employee (protected person)" and "Additional protected persons" (who under the new law may be the only protected persons named in the order), and similarly reformat the stay-away order items to reference the protected persons rather than the "employee."

Policy implications

The revised forms in this proposal implement new law enacted by the Legislature. Accordingly, the key policy implications for those changes are ensuring that council forms reflect the law correctly and are not misleading to parties. The recommended form revisions implementing the new body armor prohibition are designed to be consistent with statutory language and other Judicial Council protective orders to promote uniformity across forms and make them more accessible and understandable.

Comments

This proposal, with the exception of forms GV-125 and GV-710, circulated for public comment from April 2 to May 3, 2024. The committee received 11 comments. Three of the comments were from courts, one comment was from the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, two comments were from different divisions of the California Department of Justice, one comment was from a gun violence prevention organization, one comment was from a county bar association, and the other three comments were from individuals.²¹ Overall, the commenters

²⁰ The committee notes that it reads new Code of Civil Procedure section 527.8(e) to permit the employee who suffered harassment, violence, or a threat of violence to be named in pleadings in order for parties to be able to establish or deny the basis for the restraining order to be issued even if that employee opts out of being named in the order.

²¹ One individual made two comments that primarily concern the details of a specific case and do not address any of the issues in the proposal.

agreed with the proposal (or indicated the proposal appropriately addressed the stated purpose) and did not take issue with how the committee recommended that the new laws be implemented on the forms. Some commenters suggested substantive changes to the forms, which are discussed below.

The revision to form GV-710 is a technical correction, and the revisions to form GV-125 (discussed below) are minor changes unlikely to create controversy. With approval of the Rules Committee, circulation for comment is not required for these forms under rule 10.22(d)(2).

Gun violence

One commenter noted that the committee did not propose revising *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125) in the invitation to comment and suggested that the committee revise it to include the new body armor prohibition. The committee agrees that the form was overlooked and should be included in this set of recommendations.

Although form GV-125 was not circulated for public comment, the committee believes adoption without circulation is appropriate as the recommended revisions to the form either (1) add language regarding body armor prohibitions similar to that included in the forms that were circulated for comment (and not objected to) or (2) make minor changes to reflect statutory provisions already in effect and which will make the form conform to the other GV forms previously adopted by the council. These changes are therefore minor substantive changes unlikely to create controversy, and can be adopted without circulation under California Rules of Court, rule 10.22(d).

Another commenter raised several issues with *Gun Violence Restraining Order After Hearing on EPO-002* (form GV-030) and *Temporary Gun Violence Restraining Order* (form GV-110).

First, the structure of item 5 in form GV-030 suggests that subitems 5a(3) (that the restrained person possesses firearms) and 5a(4) (additional reasons that establish sufficient grounds for an order) are court findings, but the statute does not require such findings.²² The committee recommends revising the hierarchy to clarify that such items are not court findings. Such a change is consistent with the structure of forms GV-110 and GV-130.²³

Second, item 5b on form GV-030 is used when an order is not being issued, that is, when the request for protective order has been denied. But the form states, "This is a Court Order," and item 6 (which is not optional, and so part of the order) states that the respondent is prohibited from possessing firearms. Given the order language and mandatory firearm prohibition item, the committee recommends deleting item 5b from the form. The committee understands that courts

²² Pen. Code, §§ 18148, 18175.

²³ In reviewing this item and similar items on other forms, the committee believes the forms could benefit from rewording the subitem concerning additional reasons that establish sufficient grounds for an order. The committee will endeavor to revise these items on other forms at a later time with the benefit of public comment.

typically do not use order forms to deny petitions, but instead include denial information in the court's minutes, so do not foresee an impact from this removal.

Finally, the first sentence of item 6c on form GV-110 states there is credible evidence that the respondent possesses prohibited items. The committee believes this statement was inadvertently included on the form as such possession is not a requisite finding for the issuance of a temporary gun violence restraining order,²⁴ and the sentence is not included on other order forms. The committee thus recommends removing it.

Workplace violence

In the invitation to comment, the committee requested specific comment on a proposed revision to item 5 of the order after hearing (form WV-130) to eliminate the subitems, which are used to state whether the employee who has suffered harassment, violence, or threat of violence, and their attorney, attended the hearing. Three commenters responded on this issue, two of whom said the information should be included to keep the forms consistent with other restraining order forms.

However, the committee concludes that item 5 is clearer without separate subitems for the employee who suffered harassment, violence, or threat of violence, and their attorney, particularly because that individual or individuals are not the petitioners. Some requests for workplace violence restraining orders are based on threats to multiple employees, who may appear at the hearing as witnesses. These employees are not parties to the case. Accordingly, the committee recommends that item 5 of form WV-130 identify the *parties* (the petitioner, who will be the employer or the collective bargaining representative, and the respondent) and have any witnesses (including employees who suffered harassment, violence, or threat of violence) be identified in Attachment 5b.

Recognizing that threats, violence, or harassment to multiple employees may establish the basis for a workplace restraining order, the committee also recommends adding an additional check box to item 2 of form WV-100 (the petition) so the petitioner can provide the names of all such employees and whether they decline to be named as protected persons in a restraining order.

A chart of all the comments received and the committee's responses is attached at pages 203–216.

Alternatives considered

In implementing the new body armor prohibition, the committee considered providing more guidance on how "relinquishment" can be satisfied (e.g., a deadline, who to give it to, whether destruction of body armor qualifies). However, the committee decided against this approach as the statute does not define relinquishment or provide a framework for compliance.

²⁴ Pen. Code, § 18150(b).

The committee did not consider the alternative of not proposing changes to the forms as all the changes in this proposal are required to reflect a recent change in law.

Fiscal and Operational Impacts

The impacts from this proposal are the result of the changes in legislation. The committee anticipates that this proposal would require courts to train court staff and judicial officers on the revised forms that reflect the new law. Courts will also incur costs to incorporate the revised forms into their paper or electronic processes.

Attachments and Links

- Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-125, GV-130, GV-710, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730, at pages 12–202
- 2. Chart of comments, at pages 203–216
- 3. Link A: Assem. Bill 92, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB92
- 4. Link B: Assem. Bill 301, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB301
- 5. Link C: Sen. Bill 428, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB428
- 6. Link D: Sen. Bill 553, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB553

		11 400	Request for Civil Ha	nt	Clerk stamps date here when form is filed.		
	6	H-100	Restraining Orders				
Read <i>Can a Civil Harassment Restraining Order Help</i> <u>INFO</u> before completing this form. Also fill out <i>Confid</i> <i>Information</i> (form <u>CLETS-001</u> with as much informate			ential CLETS	5	DRAFT 2024-01-22 Not approved by		
(1)	Pe	erson Seekir	ng Protection			the Judicial Council TEST	
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	☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Proto Persons" for a title. You may use form <u>MC-025</u> , Attachment.						
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Rev. <mark>Jar</mark>	nuary	cil of California, <u>www.cour</u> t <mark>1, 2025,</mark> Mandatory Form Procedure, §§ 527.6 and 5	Request for Cr	vil Harassı vil Harassme			

How do you know the person in **(2**)? *(Explain below):*

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

5) Venue

4

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

- a. \Box The person in **2** lives in this county.
- b. \square I was harassed by the person in (2) in this county.
- c. Other (specify):

) Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

\Box Yes \Box No <i>(If yes, check each kind of case)</i>	se and indicate where and	when each w	vas filed.)
Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) 🗌 Civil Harassment			
(2) Domestic Violence			
(3) Divorce, Nullity, Legal Separation			
(4) Daternity, Parentage, Child Custody			
(5) Elder or Dependent Adult Abuse			
(6) Eviction			
(7) 🗌 Guardianship			
(8) 🗌 Workplace Violence			
(9) Small Claims			
(10) Criminal			
(11) Other (specify):			

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in ③ and the person in ②? □ No □ Yes (*If yes, attach a copy if you have one.*)

Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

- a. Tell the court about the last time the person in (2) harassed you.
 - (1) When did it happen? (provide date or estimated date):
 - (2) Who else was there?

This is not a Court Order.

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a.	(3)	How did the person in (2) harass you? <i>(Explain below):</i> Check here if there is not enough space for your answer. Put your complete answer on the attached
		sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.
	(4)	Did the person in (2) use or threaten to use a gun or any other weapon?
		□ Yes □ No (If yes, explain below):
		\Box Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.
	(5)	Were you harmed or injured because of the harassment?
		□ Yes □ No (If yes, explain below):
		Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.
	(6)	Did the police come? Yes No
		If yes, did they give you or the person in (2) an Emergency Protective Order? \Box Yes \Box No If yes, the order protects <i>(check all that apply):</i>
		\square Me \square The person in (2) \square The persons in (3).
		(Attach a copy of the order if you have one.)
b.	Has	the person in (2) harassed you at other times?
		Yes No (If yes, describe prior incidents and provide dates of harassment below):
		Check here if there is not enough space for your answer. Put your complete answer on the attached sheet paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

	U	heck the orders you want.	\checkmark		
8		Personal Conduct Orders			
		sk the court to order the person in (3) :	(2) not to d	o any	of the following things to me or to any person to be
	a.	Harass, intimidate, molest, ar personal property of, or distu			threaten, assault (sexually or otherwise), hit, abuse, destroy person.
	b.	A	•		in any way, including, but not limited to, in person, by by interoffice mail, by email, by text message, by fax, or by
	c.	Other <i>(specify)</i> :			
					your answer. Put your complete answer on the attached Attachment 8c—Other Personal Conduct Orders," for a
		-		-	ction to get the addresses or locations of any protected
9	□ a.	<i>person unless the court finds goo</i> Stay-Away Orders I ask the court to order the person	od cause not	<i>to ma</i> y at le	<pre>ke the order. east yards away from (check all that apply):</pre>
9	 a.	<pre>person unless the court finds goo Stay-Away Orders I ask the court to order the person (1)</pre>	od cause not $n in (2)$ to sta	to man ny at le (8)	<pre>ke the order. east yards away from (check all that apply):</pre>
9	 a.	person unless the court finds got Stay-Away Orders I ask the court to order the person (1)	od cause not $n in (2)$ to sta	<i>to ma</i> y at le	<pre>ke the order. east yards away from (check all that apply):</pre>
9	 a.	person unless the court finds good Stay-Away Orders I ask the court to order the person (1) Me. (2) The other persons listed (3) My home.	od cause not $n in (2)$ to sta	to man ny at le (8)	<pre>ke the order. east yards away from (check all that apply):</pre>
9	a.	person unless the court finds got Stay-Away Orders I ask the court to order the person (1)	od cause not $n in (2)$ to sta	to man ny at le (8)	<pre>ke the order. east yards away from (check all that apply):</pre>
9)	 a.	person unless the court finds got Stay-Away Orders I ask the court to order the person (1)	od cause not $n in (2)$ to sta	to man ny at le (8)	<pre>ke the order. east yards away from (check all that apply):</pre>
9)	a.	person unless the court finds got Stay-Away Orders I ask the court to order the person (1)	od cause not n in 2 to sta in 3.	to man ny at le (8)	<pre>ke the order. east yards away from (check all that apply):</pre>

(10) Firearms (Guns), Firearm Parts, and Ammunition

Does the person in (2) own or possess any firearms (guns), firearm parts, or ammunition? 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). 🗌 Yes 🗌 No 📋 I don't know
If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing,
receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective
order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a
licensed gun dealer, any firearms (guns) and firearm parts within their immediate possession or control. If an order
is granted, the person in 2 will also be prohibited from owning, possessing, or buying body armor and would
<i>have to relinquish any they have.</i> This is not a Court Order.

mporary Restraining Order est that a Temporary Restraining Or esenting form CH-110, <i>Temporary</i> e person in ② been told that you v es □ No (If you answered no, eck here if there is not enough space per or form MC-025 and write "Atta equest to Give Less Than Fir ust have your papers personally ser orders a shorter time for service. (Find), Proof of Personal Service, may b want there to be fewer than five day eck here if there is not enough space per or form MC-025 and write "Atta	Restraining Order, for vere going to go to coun explain why below): the for your answer. Put achment 11—Temporat ve Days' Notice of ved on the person in (2 form CH-200-INFO exp be used to show the count ys between service and e for your answer. Put	the court's signature togethe rt to seek a TRO against him your complete answer on the ry Restraining Order" for a to Hearing 2) at least five days before the blains What Is "Proof of Pers rt that the papers have been the hearing, explain why bel your complete answer on the	r with this <i>Request</i> . or her? e attached sheet of title. e hearing, unless the sonal Service"? Form served.) ow: e attached sheet of
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eck here if there is not enough spac	e for your answer. Put	your complete answer on the	e attached sheet of
			0
• Fee for Filing or Service There should be no filing fee becau has stalked me, or has acted or spo			_
The sheriff or marshal should serve for orders is based on unlawful vio	e (notify) the person in	(2) about the orders for free	
There should be no filing fee and the entitled to a fee waiver. (You must and Costs .)			
wyer's Fees and Costs sk the court to order payment of my	lawyer's fees	Court costs.	
ľ	A	T 4	A
Item	<u>Amount</u> \$	Item	<u>Amount</u> \$
	\$		\$
			\$
a M sk	nd Costs .) /yer's Fees and Costs	And Costs .) Aver's Fees and Costs athe court to order payment of my amounts requested are: Item \$	Ind Costs .) /yer's Fees and Costs Item Item S

lease, keep, or hold, or which reside in my househousehousehousehousehousehousehouse	rol of the animals listed below, which I own, possess, old.
(Identify animals by, e.g., type, breed, name, color, se	c.)
I request sole possession of the animals because (spect Check here if there is not enough space for your and paper or form MC-025 and write "Attachment 15a	nswer. Put your complete answer on the attached sheet of
b. That the person in (2) must stay at least ya	rds away from, and not take, sell, transfer, encumber,
conceal, molest, attack, strike, threaten, harm, or o	therwise dispose of, the animals listed above.
 Additional Orders Requested I ask the court to make the following additional orders (sp Check here if there is not enough space for your answ paper or form MC-025 and write "Attachment 16—Additional orders (sp 	er. Put your complete answer on the attached sheet of
Number of pages attached to this form, if any: Date:	
	Lawyer's signature
Date:	
Date:	
Date:	

(15)
Possession and Protection of Animals

I ask the court to order the following:

DRAFT 2024-01-22 Not approved by the Judicial Council

CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a civil harassment restraining order?

It is a court order that helps protect people from harassment.

Can I get a civil harassment restraining order?

You can ask for one if you are worried about your safety because someone:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, or
- Has threatened you with violence

How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts, ammunition, or body armor. 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).

For more information about the items a restrained person cannot have, please see <u>selfhelp.courts.ca.gov/</u><u>restraining-orders/prohibited-items</u>.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form $D\underline{V-100}$.

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

If you need these remedies, you must file a civil action.

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee; otherwise, you must pay the fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form <u>FW-001</u> is available for this purpose.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

What forms do I need to get the order?

You must fill out all of form <u>CH-100</u>, *Request for Civil Harassment Restraining Orders*, and form <u>CLETS-001</u> *Confidential CLETS Information*. If you need attachments, you may use form <u>MC-025</u>. You must also fill out items 1 and 2 on form <u>CH-109</u>, *Notice of Court Hearing*, and items 1, 2, and 3 on form <u>CH-110</u>, *Temporary Restraining Order (CLETS-TCH)*.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the harassment took place or the person to be restrained lives. At the court, ask where you should file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed Notice of Court Hearing and Temporary Restraining Order.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—not you or anyone else to be protected by the order-must "serve" (give) the person to be restrained a copy of the order. The server must then fill out form CH-200, Proof of Personal Service, and give it to you to file with the court. For help with service, ask the court clerk for form CH-200-INFO, What Is "Proof of Personal Service?"

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030, Declaration, for this.)

Do I need a lawyer?

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

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

0	CH-109 Notic	e of Court Hearing		_
	Person Seeking Protect Vour Full Name:			
	Your Lawyer (if you have	e one for this case):		
		State Bar No.:		_
	Firm Name:			
b.		e a lawyer, give your lawyer's in		Fill in court name and street address:
		er and want to keep your home a ifferent mailing address instead. x, or email.)		Superior Court of California, County of
	Address:			
	City:	State: Zip:		
	Telephone:	Fax:		 Court fills in case number when form is filed.
	Email Address:			Cose Number:
2) P	Person From Whom Pi	rotection le Sought		
\smile	Notice of Hearing A court hearing is sched	The court will complete the r		nm. Jers against the person in ②:
\smile		uled on the request for rest	raining orc	
\smile	A court hearing is sched	uled on the request for rest N Time:	raining orc	ders against the person in ②: dress of court if different from above:
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A Fo the If yo	A court hearing is sched Hearing Date: Dept.: person in (2): u attend the hearing (in person	uled on the request for rest	raining orc	ders against the person in ②: dress of court if different from above:
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To the If yo you, If yo recei	A court hearing is sched Date: Date: Dept.: person in (2): u attend the hearing (in per- the order will be effective i u do not attend the hearing, ive a copy of the order, you Temporary Restraining O for Civil Harassment Res	uled on the request for restu N Time:	raining orce ame and add ence) and the rested if you raining orde te order. are on form to ay-away ord	ders against the person in (2): dress of court if different from above: e judge grants a restraining order against violate the order. r that could last up to five years. After y <i>CH-110, served with this notice.</i>) lers as requested in form CH-100, <i>Reque</i>
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What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/CH-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

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

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

	CH	H-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
1		son Seekir Zour Full Nam	ng Protection ne:	DRAFT 2024-01-22
	Y	our Lawyer (if you have one for this case):	Not approved by
	Ν	Name:	State Bar No.:	the Judicial Council
	F	Firm Name:		
	If pi	f you do not h private, you me	(If you have a lawyer, give your lawyer's info ave a lawyer and want to keep your home add ay give a different mailing address instead. Yo lephone, fax, or email.)	ress
	А	Address:		
	С	City:	State: Zip:	
	Т	Telephone:	Fax:	Court fills in case number when form is filed.
	E	Email Address	:	Case Number:
2	Pers	son From \	Whom Protection Is Sought	
	Full	Name:		

The court will complete the rest of this form.

3 Notice of Hearing

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

Name and address of court if different from above:

Hearing	→ Date:		Time:	
Date	Dept.:	I	Room:	

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) \square All **GRANTED** until the court hearing.
 - (2) All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*
 - (3) Dearthy **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) \Box Other *(specify):* \Box As stated on Attachment 4b.

5) Confidential Information Regarding Minor

- a. A request to keep minor's information confidential was made (see form CH-160) 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 penalities.

6) Service of Documents for the Person in (1)

At least <u>five</u> <u>days</u> 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: _____

Rev. January 1, 2025

Judicial Officer

Case Number:

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 an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- 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.*



Re

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 <u>www.courts.ca.gov/forms</u> for *Disability Accommodation Request* (form <u>MC-410</u>). (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
ev. <mark>January 1, 2025</mark>	Notice of Court Hearing (Civil Harassment Prevention)	CH-109 , Page 3 of 3
or your protection and privacy, please pr his Form button after you have printed th	ess the Clear 23	Clear this form

Person in ① must complete items ①, ②, and ③ only. 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: Telephone: Fax:	Tompo	H-110	Tomporary	Postraining Ordor	,	Clerk stamps date here when form is filed.
Protected Person a. Your Full Name:	Tempo	1-110				
1) Protected Person 2024-01-23 a. Your Lawyer (if you have one for this case): Name:	ust complete it	rson in 1 must	must complete items (1)	, 2), and 3 only.		
a. Total Full Name:	erson	otected Perso	erson			
Your Lawyer (If you have one for this case): the Judicial Cound Name:	ame:	Your Full Name	Name:			
Firm Name: b. Your Address (If you have a lawyer, give your lawyer's information. If you do thave a lawyer and want to keep your home address priviate, you may give a different mailing address instead. You do not have to give telephone, fax, or email.): Address: City: State: Telephone: Fax: Email Address: City: State: Zip: Court fills in case number when form is to add this order to the California police database. If age is unknown, give an estimate.) *Full Name: *Age: *Rescription to the California police database. If age is unknown, give an estimate.) *Full Name: *Age: *Gender: M Restrained Person State: (Give all the information you know. Information with a star (*) is required Date of Birth: *Reace: Height: Weight: *Reace: Is bonobinary Home Address: City: State: Zip: Relationship to Protected Persons In addition to the person named in (*), the following family or household members of that person are prot the temporary orders indicated below: Full Name Gender Age Household Member? Relationship to Protected Persons:		• • •		,		the Judicial Council
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: Telephone: Email Address: Court fills in case number when form is Case Number: Court fills in case number when form is Case Number: Court fills in case number when form is Case Number: Case Number: City: Full Name: *Additional protected Persons In addition to the person named in (1), the following family or household members of that person are prot the temporary orders indicated below: Full Name Gender Age Household Member? Relation to Protected Persons In addition to the persons named in (1), the following family or household members of that person are prot the temporary orders indicated below: Full Name Gender Age Household Member? Relation to Protected Persons In addition to the persons. List them on an attached sheet of paper and write "Attachm Additional Protected Persons" as a title. You may use form MC-025, Attachment. The court will complete the rest of this form. This O						_
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Additional Protected Persons" as a title. You may use form MC-025, Attachment. The court will complete the rest of this form. This Order expires at the end of the hearing scheduled for the date and time below:	e person name rders indicated	addition to the pe temporary order	the person named in \bigcirc orders indicated below:), the following family or l	Household	Member? Relation to Protected Performance No
4 Expiration Date This Order expires at the end of the hearing scheduled for the date and time below:	•	v	0	*		
Date: Time: a.m. p.m.		•	Date	-		
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This is a Court Order.				This is a Court Or	der.	
dicial Council of California, <u>www.courts.ca.gov</u> Temporary Restraining Order (CLETS-TCH) CH-110,	ourts.ca.gov To	il of California, <u>www.courts.c</u>	.courts.ca.gov Tomnor:	arv Restraining Orde	r (CI FT)	S-TCH) CH-110, Pag

Approved by DOJ

Case Number:

To the Person in 2 :

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

(5) P	ersonal Conduct Orders
	Not Requested 🛛 Denied Until the Hearing 🗌 Granted as Follows:
a.	You must not do the following things to the person named in \bigcirc and to the other protected persons listed in \bigcirc :
	 (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 (<i>specify</i>): □ Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).
b.	Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in (1) .

(6) Stay-Away Order	
Not Requested Denied Unti	I the Hearing 🛛 Granted as Follows:
a. You must stay at least yards a	way from <i>(check all that apply):</i>
(1) \square The person in (1)	(7) \Box The place of child care of the children of
(2) \square Each person in (3)	the person in (1)
(3) \Box The home of the person in (1)	(8) \square The vehicle of the person in $\textcircled{1}$
(4) \Box The job or workplace of the person in 1	(9) \Box Other (specify):
(5) \Box The school of the person in (1)	
(6) \Box The school of the children of the person in (1)	

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

7) No 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 in b on the next page.

This is a Court Order.

`....

) 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. You must:
 - (1) 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.
 - (2) 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.

No Body Armor

8

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

9 Possession and Protection of Animals

- □ Not Requested □ Denied Until the Hearing □ Granted as Follows (specify):
- a. The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. *(Identify animals by, e.g., type, breed, name, color, sex.)*
- b. The person in 2 must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

10 Other Orders

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

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

Case Number:

	To the Person in ① :				
11	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). <i>(Check one):</i>				
	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. Dy 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)				
12	 Additional law enforcement agencies are listed at the end of this Order on Attachment 11. No Fee to Serve (Notify) Restrained Person Ordered Not Ordered 				
	The sheriff or marshal will serve this Order without charge because:				
	a. The Order is based on unlawful violence, a credible threat of violence, or stalking.				
	b. \Box The person in $\textcircled{1}$ is entitled to a fee waiver.				
13	Number of pages attached to this Order, if any:				
	Date:				
	Judicial Officer				

Warnings and Notices to the Restrained Person in 2

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b 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 item (7) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

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

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, \S 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, \S 836(c)(2)):

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

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

If the Protected Person Contacts the Restrained Person

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

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, § 883(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 will fill out this part.)

Clerk's Certificate [seal]

-Clerk's Certificate

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

Date: Clerk, by

, Deputy

	CH-120 Response to Request for Civil Harassment Restraining Orders	Clerk stamps date here when form is filed.	
 R O Fit H he 	e this form to respond to the <i>Request</i> (form CH-100) ead <i>How Can I Respond to a Request for Civil Harassment Restraining</i> <i>orders?</i> (form <u>CH-120-INFO</u>) to protect your rights. ill out this form and take it to the court clerk. ave someone age 18 or older—not you—serve the person in (1) or his or er lawyer by mail with a copy of this form and any attached pages. <i>(Use</i> <i>orm</i> <u>CH-250</u> , Proof of Service by Mail.)	- DRAFT 2024-01-29 Not approved by the Judicial Council	
(1)	Person Seeking Protection		
\bigcirc	Full name of person seeking protection (see form CH-100, item 1):	Fill in court name and street address: Superior Court of California, County of	
2	Person From Whom Protection Is Sought a. Your Name: Your Lawyer (if you have one for this case)	_	
	Name: State Bar No.: Firm Name: State Bar No.:	_ Court fills in case number when form is filed.	
	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.)	Case Number:	
	City:State:Zip: hearing from for	your response and any opposition at the Write your hearing date, time, and place rm CH-109 item (3) here: Date: Time: Dept.: Room:	
3	a. I agree to the orders requested.	f you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.	
4	 Stay-Away Orders a. I agree to the orders requested. b. I do not agree to the orders requested. (Specify why you disagree to c. I agree to the following orders (specify below or in item 12 on particular) 		

CH-120, Page 1 of 5 →

5) Additional Protected Persons

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

6) Firearms (Guns), Firearm Parts, and Ammunition

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

- a. 🗌 I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
 - Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form <u>MC-025</u>, Attachment.
- c. \Box I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt \Box is attached. \Box has already been filed with the court.

No Body Armor

If you were served with form CH-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

8	 Possession and Protection of Animals a. I agree to the orders requested. b. I do not agree to the orders requested. (Specify why you disagree in item (12) on page 4.) c. I agree to the following orders (specify below or in item (12) on page 4):
9	□ Other Orders
	a. I agree to the orders requested.
	b. \Box I do not agree to the orders requested. (Specify why you disagree in item (12) on page (4.)
	c. I agree to the following orders (specify below or in item 12) on page 4):
10	Denial
_	I did not do anything described in item (7) of form CH-100. <i>(Skip to</i> (12) .)
(11)	Justification or Excuse
)	If I did some or all of the things that the person in (1) has accused me of, my actions were justified or excused for the following reasons <i>(explain)</i> :
	Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Justification or Excuse" as a title. You may use form MC-025, Attachment.

Reasons I Do Not Agree to the Orders Requested (12)

Explain your answers to each order requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 12-Reasons I Disagree" as a title. You may use form MC-025, Attachment.

(13) 🔲 No Fee for Filing

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

	The amounts requested ar <u>Item</u>	Amount	Item	Amount
_	<u>Item</u>		<u>Item</u>	
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_		\$		\$
	° –	ore items. Put the items and 's Fees and Costs'' for a titl		
b.	Logistic count to domy the			
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	•		g for protection that I pay	his or her lawyer's fees
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Num	costs. ber of pages attached to this	form, if any:		
Num	costs. ber of pages attached to this	form, if any:		his or her lawyer's fees
Num Date: I decl	costs. ber of pages attached to this	form, if any:	Lawyer	r's signature

DRAFT 2024-01-23 Not approved by the Judicial Council How Can I Respond to a Request for Civil Harassment Restraining Orders?

What is a civil harassment restraining order?

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

What does the order do?

The court can order you to:

CH-120-INFO

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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).

For more information about the items you would not be allowed to have, please see <u>selfhelp.courts.ca.gov/</u> restraining-orders/prohibited-items.

Who can ask for a civil harassment restraining order?

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

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

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

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

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

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

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Optional Form Code of Civil Procedure, § 527.6 How Can I Respond to a Request for Civil Harassment Restraining Orders? (Civil Harassment Prevention)

CH-120-INFO, Page 1 of 2

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What if I don't obey the order?

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

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

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

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

Should I go to the court hearing?

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

	CH-109	Notice of Court Hearing	Clerk stamps date here when form is filed.
1	Person Seekin a. Your Full Name		
	Name:	if you have one for this case): State Bar No.:	
	Firm Name:		
	If you do not ha private, you ma	If you have a lawyer, give your lawyer's information. we a lawyer and want to keep your home address uy give a different mailing address instead. You do not ephone, fac, or email.)	Fill in court name and street address: Superior Court of California, County of
	Address:		
	City:	State: Zip:	
	Telephone:	Fax:	Court fills in cases number when form is field
	Email Address:	·	Case Number:
2		Whom Protection Is Sought	
O		Mon Protection is oblight	
	Hearing > Dat		ress of court if different from above:
	Date Dep	te: Time: pt.: Room:	
 If yo If 	u, the order will be you do not attend th	ng (in person, by phone, or by videoconference) and the effective immediately, and you could be arrested if you se hearing, the judge may still grant the restraining order yeder, you could be arrested if you volate the order.	violate the order.
4	Temporary Res a. Temporary Res for Civil Haras (1) All GR (2) All DE	straining Orders (Any orders granted are of order) straining Orders (Any orders granted are on form (training Orders for personal conduct and stay-away ord sment Restraining Orders, are (check only one box belo AAVTED until the court hearing. ENIED until the court hearing. GRANTED and partly DENIED until the court hearing	ers as requested in form CH-100, <i>Request</i> w): ul in b, below.)
Code of	Council of California, <u>www.courds</u> huary 1, 2020, Mandatory Form Civil Procedure, § 527.6 d by DOJ	Notice of Court Hearing (Civil Harassment Prevention)	CH-109. Page 1 of 3

CH-120-INFO How Can I Respond to a Request for Civil Harassment Restraining Orders?

How long does the order last?

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

Do I need a lawyer?

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

Will I see the person who asked for the order at the court hearing?

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

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/CH-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

What if I have a gun?

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

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

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

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Person in (1)n	nust complete (1) , (2) ,	and (3) only.		DDAFT
Protected F				DRAFT 2024-01-23
a. Your Full N	Name:			Not approved by
-	ver (if you have one for			the Judicial Council
		State Bar No.:		
		er, give your lawyer's inform		
private, you have to give	u may give a different n e telephone, fax, or emo		u do not	Fill in court name and street address: Superior Court of California, County of
		State:Zip:		
Telenhone		Fax:		
Restrained				Court fills in case number when form is filed.
give an estima	te.)	lice database. If age is unkn		
*Full Name:			*Age:	Date of Birth:
*Race:	Heig	ght: Weight:	Hair	Color: Eye Color:
		inary Home Address:		
		State:		
	to Protected Person:			
Relationship	to Protected Person:			
Relationship	al Protected Person the person named in (1)	ons		
Relationship	al Protected Person the person named in (1)	ons	ousehold r	nembers of that person are protected b
Relationship	al Protected Person the person named in ① cated below: <u>Full Name</u>	ons , the following family or ho <u>Gender Age</u>	ousehold r Lives v	nembers of that person are protected b <u>vith you? How are they related to you</u>
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Relationship	al Protected Perso the person named in (1) cated below: <u>Full Name</u> e if there are additional Protected Persons" as Date	ons , the following family or ho <u>Gender Age</u>	Dusehold t	members of that person are protected b with you? How are they related to you s No s Ino s Ino
Relationship	al Protected Perso the person named in (1) cated below: <u>Full Name</u> e if there are additional Protected Persons" as Date xcept for any award of	ons , the following family or ho <u>Gender</u> <u>Age</u> <u></u>	Dusehold f	members of that person are protected b with you? How are they related to you s No s Ino s Ino
Relationship Additional In addition to t the orders indition Check here Additional Expiration I This Order, ex	al Protected Perso the person named in (1) cated below: <u>Full Name</u> e if there are additional Protected Persons" as Date xcept for any award of a.m.	ons , the following family or ho <u>Gender</u> <u>Age</u> <u></u>	Dusehold r Lives v Yes Yes Yes Yes ttached sh AC-025, A (date):	members of that person are protected b <u>vith you? How are they related to you</u> <u>s</u> No <u>s</u> No <u>s</u> No <u>s</u> No <u>s</u> No <u>s</u> eet of paper and write "Attachment 3- Attachment.

Case Number:

5) Hearing

	•			
a.	There was a hearing on <i>(date)</i> :	at <i>(time)</i> :	in Dept.:	Room:
	(Name of judicial officer):		made the orders	s at the hearing.
b.	These people were at the hearing:			
	(1) \square The person in (1). (3) \square The	lawyer for the person in (1) (name):	
	(2) \Box The person in $\textcircled{2}$. (4) \Box The	lawyer for the person in (2	2) (name):	
	Additional persons present are listed			
c.	☐ The hearing is continued. The partie	s must return to court on (a	date):	at <i>(time)</i> :

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

 \square 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) \Box Other (specify):
 - \Box 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) \square The person in (1).	(7) \Box The place of child care of the children of

- (2) \Box Each person in $(\mathbf{3})$.
- (3) \Box The home of the person in (1).
- the person in (1). (8) \square The vehicle of the person in (1).
- (4) \Box The job or workplace of the person (9) \Box Other *(specify):* in (1).
- (5) \Box The school of the person in 1.
- (6) \Box 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.

Civil Harassmen	t Restraining	Order	After	Hearing
	(CLETS-CH	O)		

CH-130, Page 2 of 6

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.

the following amounts for

No Body Armor

The person in

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

(10)) 🗌 Law	yer's Fe	es and	Costs
------	---------	----------	--------	-------

must now to the nerson in

	\$		\$
	\$		\$
Item	Amount	Item	Amount
lawyer's fees	costs:		
The person in must pay		owing amounts for	

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

This is a Court Order.

Civil Harassment Restraining Order After Hearing (CLETS-CHO)

CH-130, Page 3 of 6

Case Number:

a. The	esession and Protection of Animals the person in (1) is given the sole possession, care, and convined, possessed, leased, kept, or held by him or her, or red dentify animals by, e.g., type, breed, name, color, sex.)	
mo	ne person in (2) must stay at least yards away from olest, attack, strike, threaten, harm, or otherwise dispose or Orders (specify):	
	dditional orders are attached at the end of this Order on A	Attachment 12.
	To the Person in	1:
(13) Mandato	ory Entry of Order Into CARPOS Through C	CLETS
	er must be entered into the California Restraining and Pr a Law Enforcement Telecommunications System (CLET	•
a. 🗌 Th	he clerk will enter this Order and its proof-of-service for	rm into CARPOS.
	ne clerk will transmit this Order and its proof-of-service to CARPOS.	form to a law enforcement agency to be entered
del	y the close of business on the date that this Order is mad cliver a copy of the Order and its proof-of-service form t tter into CARPOS:	
	Name of Law Enforcement Agency	Address (City, State, Zip)
□ Ad	dditional law enforcement agencies are listed at the end	of this Order on Attachment 13.
a. 🗌 The	e of Order on Restrained Person ne person in (2) personally attended the hearing, either pl deoconference). No other proof of service is needed.	hysically or remotely (by telephone or
b. 🗌 The	he person in (2) did not attend the hearing.	
(1)	 Proof of service of form CH-110, <i>Temporary Restrain</i> judge's orders in this form are the same as in form CH (2) must be served with this Order. Service may be be 	H-110 except for the expiration date. The person in
(2)	The judge's orders in this form are different from the Someone—but not anyone in (1) or (3)—must persona in (2).	
	This is a Court Ord	der.
Rev. <mark>January 1, 2025</mark>	Civil Harassment Restraining Or	

15 🔲 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. \Box The person in (1) is entitled to a fee waiver.

16 Number of pages attached to this Order, if any:

Date:

Judicial Officer

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 14), the agency must advise the restrained person 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.

This is a Court Order.

Rev. January 1, 2025

Civil Harassment Restraining Order After Hearing (CLETS-CHO) (Civil Harassment Prevention)

CH-130, Page 5 of 6

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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, \S 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 (14)) 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).)

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]

R

(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.	
Rev. January 1, 2025 Civil Haras	sment Restraining Order After Hea (CLETS-CHO)	ring CH-130, Page 6 of 6
	(Civil Harassment Prevention)	
For your protection and privacy, please press the This Form button after you have printed the form.	Clear 42 Print this form Save this form	Clear this form

 Help Me? (f. Confidential information 1 Elden Full N Gende 2 Perso Full N Addre City: 3 Perso Who i a. □ b. □ 	er: M F Nonbinary Age: on From Whom Protection Is Sough Name:	rm. Also fill ou as much tection	
Full N Gende 2 Perse Full N Addre City: 3 Perse Who i a. □ b. □	Iame:		the Judicial Council
Gende Perse Full N Addre City: 3 Perse Who i a. b.	er: M F Nonbinary Age: on From Whom Protection Is Sough Name:	nt	
Full N Addre City: 3 Perso Who i a. □ b. □	lame:	nt	
Full N Addre City: 3 Perso Who i a. □ b. □	lame:	It	Fill in court name and street address:
Addre City: 3 Perso Who i a. b.			Superior Court of California, County of
City: _ 3 Perso Who i a. □ b. □			
3 Perso Who i a. b.	ess (if known):		
Who i a. b.	State:	Z1p:	
a. 🗌 b. 🗍	on Requesting Order		
	is asking the court for protection? (<i>Check a, b,</i> The elder or dependent adult named in (1) .	,	Court fills in case number when form is filed.
	Name:		
c. 🗌	conservator of the \Box person \Box estate of the person named in (1), appointed by <i>(na</i>	person an me of court):	
С.	Case No.: Other (name)		
(C1			
,	1 0 1	*	attached sheet of paper. Write "Attachment 3c— title. You may use form <u>MC-025</u> , Attachment.)
(4) Cont	act Information		
Contae	ct information for the person asking the court	for protection	
a. Yo	our Lawyer (if you have one for this case)		
	ume:	_ State Bar No	D.:
Fir	rm Name:		
kee			tation. If you do not have a lawyer and want to ling address instead. The person in \bigcirc does not
Ad	ldress:		
Cit	ty:	State:	Zip:
Te	lephone:	Fax:	
En	nail Address:		

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders (Elder or Dependent Adult Abuse Prevention)

 \rightarrow

5) Description of Protected Person

The person named in (1) (check a or b):

- a. 🗌 Is age 65 or older and a resident of California.
- b. Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)

6) Additional Protected Persons

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in (1)? \Box Yes \Box No *(If yes, list them):*

Full Name	Gender Age	<u>Relation to person in (1)?</u>	$\underline{\text{Lives with person}}$ $\underline{\text{in}(1)?}$
			☐ Yes ☐ No
			🗌 Yes 🗌 No
			🗌 Yes 🗌 No
			🗌 Yes 🔲 No

Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

- b. Why do these people need protection? (Explain below):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

7

Relationship of Parties

How does the person in (1) know the person in (2)? (*Explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders (Elder or Dependent Adult Abuse Prevention) 44 EA-100, Page 2 of 9



8) Description of Abuse

- a. Abuse means either:
 - (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
 - (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.
- b. Tell the court about the last time the person in (2) abused the person in (1).
 - (1) When did it happen? (Provide date or estimated date):
 - (2) Who else was there?
 - (3) Describe what happened below.
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(3)—Describe Abuse" for a title.
 - (4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?
 - \Box Yes, only financial abuse. \Box No, the abuse included other forms of abuse described above.
 - (5) Did the person in (2) use or threaten to use a gun or any other weapon?
 - \Box Yes \Box No (If yes, explain below):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(5)—Use of Weapons" for a title.
 - (6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?
 - \Box Yes \Box No (If yes, explain below):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8b(6)—Harm or Injury" for a title.

(7) Did the police come? ☐ Yes ☐ No If yes, did they give the person in ① or the person in ② an Emergency Protective Order? ☐ Yes ☐ No If yes, the order protects (check all that apply): ☐ the person in ① ☐ the person in ② ☐ the persons in ⑥. (Attach a copy of the order if you have one.) This is not a Court Order.
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Request for Elder or Dependent Adult Abuse Restraining Orders
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★

(Elder or Dependent Adult Abuse Prevention)

8	c.	Is the person in (2) a care custodian who deprived the person in (1) of (kept from the person, did not allow the
\bigcirc		person to have or receive, or did not provide the person with) goods or services that the person needed to avoid
		physical harm or mental suffering? 🗌 Yes 🗌 No
		(If yes, describe below what the person was deprived of and how that affected the person):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Deprivation by Care Custodian" for a title.

d. Has the person in (2) abused the person in (1) at other times?

□ Yes □ No (If yes, describe prior incidents and provide dates below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8d—Previous Abuse" for a title.

9) Venue

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

- a. \Box The person in **(2)** lives in this county.
- b. \Box The person in 1 was abused by the person in 2 in this county.
- c. Other (*specify*):

10) Other Court Cases

a. Has the person in ① or any of the persons named in ⑥ been involved in another court case with the person in ②?□ No □ Yes (If yes, specify the kind of each case and indicate where and when each was filed):

Kind of Case	Filed in (County/State)	Year Filed Case Number (if known)
(1) 🗌 Elder or Dependent Adult Abuse		
(2) 🗌 Civil Harassment		
(3) Domestic Violence		
(4) 🗌 Divorce, Nullity, Legal Separation		
(5) 🗌 Paternity, Parentage, Child Custody		
(6) \Box Eviction		
(7) 🗌 Guardianship		
(8) 🗌 Workplace Violence		
(9) 🗌 Small Claims		
(10) Criminal		
(11) \Box Other (specify):		

b. Are there now any protective or restraining orders in effect relating to the person in (1) or any of the persons named in (6) and the person in (2)? \square No \square Yes (If yes, attach a copy if you have one.)

This is not a Court Order.

Check the orders you want. ☑

11) 🔲 Personal Conduct Orders

I ask the court to order the person in (2) not to do any of the following things to the person in (1) or to any person to be protected listed in (6):

- a. Dhysically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b. 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.
- c. \Box Other (*specify*):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11c—Other Personal Conduct Orders" for a title.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

) 🔲 Stay-Away Orders

12

- a. I ask the court to order the person in (2) to stay at least yards away from *(check all that apply):*
 - (1) \square The elder or dependent adult in (1).
 - (2) \square The persons in (6).
 - (3) \Box The home of the elder or dependent adult.
 - (4) \Box The job or workplace of the elder or dependent adult.
 - (5) \Box The vehicle of the elder or dependent adult.
 - (6) \Box Other *(specify):*
- b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? \Box Yes \Box No (*If no, explain below*):
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12b—Stay-Away Orders" for a title.

This is not a Court Order.

13) 🗌 Move-Out Order

I ask the court to order the person in (2) to move out from and not return to the residence at (address):

The person in (1) will suffer physical or emotional harm if the person in (2) does not leave the residence. The person in (2) is not named in the title or lease of the residence, either alone or with others beside the person in (1).

- I ask for this move-out order right away to last until the hearing, because:
- a. The person in (2) assaulted or threatened the person in (1); and
- b. The person in (1) has the right to live at the above residence. *(Explain below):*
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 13b—My Right to Residence" for a title.

14) 🔲 Order for Counseling or Anger Management Courses

(i) This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a. I request the person in item (2) be ordered by the court to attend clinical counseling or anger management courses 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. Explain why you are requesting an order that the person in item (2) attend clinical counseling or anger management courses.
 - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 14b— Counseling or Anger Management" for a title.

15) Firearms (Guns), Firearm Parts, and Ammunition

Does the person in (2) own or possess any firearms (guns), firearm parts, or ammunition? 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). Yes No I don't know
Unless the abuse is only financial, if the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any firearms (guns) and firearm parts within their immediate possession or control. If an order is granted, the person in (2) will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders (Elder or Dependent Adult Abuse Prevention)

16)	Temporary Restraining Order						
	I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form EA-110, <i>Temporary Restraining Order</i> , for the court's signature together with this <i>Request</i> .						
	Has the person in (2) been told that you were going to go to court to seek a TRO against them? Yes No (If you answered no, explain why below):						
	 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Temporary Restraining Order" for a title. 						
17)	Request to Give Less Than Five Days' Notice of Hearing						
	You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, What Is "Proof of Personal Service"?, to learn about serving legal papers. Form EA-200, Proof of Personal Service, may be used to show the court that the papers have been served.)						
	If you want there to be less than five days between service and the hearing, explain why:						
	If you want there to be less than five days between service and the hearing, explain why: Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of 						
	Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title.						
18)	paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title.						
18)							
18)	paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in						
18)	 paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in s financial abuse. This may help you defend against the debt if you are sued in another case. a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person 						
18)	paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. □ Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in ②'s financial abuse. This may help you defend against the debt if you are sued in another case. a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (②'s financial abuse. □ Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title.						
18)	 paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. □ Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in ② 's financial abuse. This may help you defend against the debt if you are sued in another case. a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (2)'s financial abuse. □ Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title. (1)						
18)	paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. □ Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in ② 's financial abuse. This may help you defend against the debt if you are sued in another case. a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (②)'s financial abuse. □ Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title. 1 Money Owed To For (1)						
18)	paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title. □ Debts Caused by Financial Abuse You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in ② 's financial abuse. This may help you defend against the debt if you are sued in another case. a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in (②)'s financial abuse. □ Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title. 1 Money Owed To For (1) § \$ (2) § \$						

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders (Elder or Dependent Adult Abuse Prevention) 49

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Case Number:

19 Lawyer's Fees and Costs I ask the court to order payment of my lawyer's fees court costs. The amounts requested are: Item Amount Item \$

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 19—Lawyer's Fees and Costs" for a title.



I ask the court to order the following:

a. That the person in (1) be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.

(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because (specify good cause for granting order):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 20a—Possession of Animals" for a title.

b. That 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.

21) No Fee to Serve Orders If you want the sheriff or marshal to serve (notify) the person in (2) about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

I ask the court to make the following additional orders (s					
Check here if there is not enough space for your answ paper or form MC-025 and write "Attachment 22—A	wer. Put your complete answer on the attached sheet of Additional Orders Requested" for a title.				
Number of pages attached to this form, if any:					
Date:					
Lawyer's name (if any)	Lawyer's signature				
I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.					
Date:					
Type or print your name	Signature of person making this request				

This is not a Court Order.

Rev. January 1, 2025 Request for E	EA-100 , Page 9 of 9				
(Elder or De	(Elder or Dependent Adult Abuse Prevention)				
For your protection and privacy, please press the Clear This Form button after you have printed the form.	51 Print this form	Save this form	Clear this form		

DRAFT 2024-01-23 t approved by the Judicial Court

EA-100-INFO

Not approved by the Judicial Council Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a restraining order?

It is a court order that helps protect people from being abused.

Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, or
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts, ammunition, or body armor. 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).

For more information about the items a restrained person cannot have, please see <u>selfhelp.courts.ca.gov/</u><u>restraining-orders/prohibited-items</u>.

You can also ask for protection for people who live with you and family members.

Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney
- A person appointed as a guardian ad litem for the elder or dependent adult
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged. The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

What forms do I need to get the order?

You must fill out all of form <u>EA-100</u>, *Request for Elder or Dependent Adult Abuse Restraining Orders*, and form <u>CLETS-001</u>, *Confidential CLETS Information*. If you need attachments, you may use form <u>MC-025</u>, *Attachment*. You must also fill out items 1 and 2 on form <u>EA-109</u>, *Notice of Court Hearing*, and items 1, 2, and 3 on form <u>EA-110</u>, *Temporary Restraining Order*.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms.</u> You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

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EA-100-INFO

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

How will the person to be restrained know about the order?

Someone age 18 or older—**not you** or anyone else to be protected by the order—must "serve" (give) the person to be restrained a copy of the order. The server must then fill out form <u>EA-200</u>, *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for form <u>EA-200-INFO</u>, *What Is "Proof of Personal Service"*?

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030 for this.)

Do I need a lawyer?

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

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

	otice of Court Hearing	Clerk stamps date here when form is filed.
Elder or Depender	t Adult in Need of Protection	
a. Full Name:		_
	g protection for the elder or dependent adult, if named in item (3) of form EA-100):	
	amed above <i>(if any for this case):</i> State Bar No.:	
Firm Name:		Fill in court name and street address:
lawyer's information for the person reque address private, you	named above (If you have a lawyer, give your 1. If you do not have a lawyer, give information sting the order. If you want to keep your home may give a different mailing address instead. tive telephone, fax, or email.):	 Superior Court of California, County o
Address:		Court fills in case number when form is filed.
City:	State: Zip:	Case Number:
	Fax:	
Email Address:		_
Full Name:	Protection From The court will complete the rest of this fo	orm.
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Full Name: Notice of Hearing A court hearing is se	The court will complete the rest of this for cheduled on the request for restraining on Name and addre	ders against the person in (2):
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Full Name: Notice of Hearing A court hearing is so Hearing → Date: Dept.: the person in ②: : If you a stand the hearing (i you, the order will be effect if you do not attend the hearing (i	The court will complete the rest of this for cheduled on the request for restraining on Name and addre Time: Room: a person, by phone, or by videoconference) and the tive immediately, and you could be arrested if your ing, the judge may still grant the restraining order	ders against the person in 2: ss of court if different from above: be judge grants a restraining order agains violate the order. rr that could last up to five years. After y
Full Name: Notice of Hearing A court hearing is so Hearing → Date: Dept: the person in (2): If you attend the hearing (i) you, the order will be effec If you do not attend the hearing (i) Yemporary Restrain a. Temporary Restrain	The court will complete the rest of this for cheduled on the request for restraining or Name and addre Time: Room: a person, by phone, or by videoconference) and the tive immediately, and you could be arrested if your ring, the judge may still grant the restraining ord you could be arrested if you violate the order.	ders against the person in (2): ss of court if different from above: a gudge grants a restraining order agains a violate the order. ar that could last up to five years. After y EA-110, served with this notice.) ders as requested in form EA-100, Reque
Full Name: Notice of Hearing A court hearing is so Thearing → Date: Dept.: The person in ②: [] (i) the person in ③: [] (i) you, the order will be effect If you attend the hearing (i) you, the order will be effect If you do not attend the hearing (i) Temporary Restrain for Elder on Dependent	The court will complete the rest of this for cheduled on the request for restraining or Name and addre Time: Room: a person, by phone, or by videoconference) and th tive immediately, and you could be arrested if you you could be arrested if you violate the order. Ining Orders (Any orders granted are on form ing Orders for personal conduct and stay-away or	ders against the person in (2): ss of court if different from above: a gudge grants a restraining order agains a violate the order. ar that could last up to five years. After y EA-110, served with this notice.) ders as requested in form EA-100, Reque
Full Name: Notice of Hearing A court hearing is so A court hearing is so Dept.: the person in ②: If you, the order will be effec you, the order will be effec if you do not attend the hearing (i you, the order will be effec if you do not attend the hearing (i or Balar on Depend a. Temporary Restrain for Filder on Depend (1) □ All GRANT	The court will complete the rest of this for cheduled on the request for restraining or Name and addre Time: Room: Room: A person, by phone, or by videoconference) and the tive immediately, and you could be arrested if you ring, the judge may still grant the restraining order you could be arrested if you violate the order. ning Orders (Any orders granted are on form ing Orders Restonal conduct and stay-away on lent Adult Abuse Restraining Orders, are (check o	ders against the person in (2): ss of court if different from above: be judge grants a restraining order agains a violate the order. rt that could last up to five years. After y <i>EA-110</i> , served with this notice.) ders as requested in form EA-100, Require <i>Ily one box below</i>):

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What if the restrained person's abuse caused me to owe money or debts?

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judge to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/EA-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

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

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

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Elder or Dependent	Adult in Need of Protection	
•	Adult III Need of Protection	DRAFT
Person requesting p different (person not	protection for the elder or dependent as a med in item (3) of form EA-100):	2024-01-24dult, ifNot approved by the Judicial Council
Lawyer for person nan	hed above <i>(if any for this case):</i> State Bar No.:	
Firm Name:	Outre Dui 11011	Fill in court name and street address:
b. Address for person nar lawyer's information. I for the person requesti address private, you m	ned above (If you have a lawyer, give If you do not have a lawyer, give infor ng the order. If you want to keep your ay give a different mailing address ins e telephone, fax, or email.):	your mation r home
Address:		Court fills in case number when form is filed.
	State: Zip:	
	Fax:	
Notice of Hearing	The court will complete the res	ining orders against the person in (2):
A court nearing is sci	-	and address of court if different from above:
Hearing -> Date:	Time:	
Date Dept.:	Room:	
the person in (2) :	erson by phone or by videoconferen	ce) and the judge grants a restraining order agains
ou, the order will be effectiv f you do not attend the hearing	e immediately, and you could be arres	sted if you violate the order. ining order that could last up to five years. After y
Temporary Restraini	ng Orders (Any orders granted are	e on form EA-110, served with this notice.)
a. Temporary Restraining		r-away orders as requested in form EA-100, Reque
v x	D 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	b. Reasons for denia	raining Orders (Continued) al of some or all of those personal conduct and stay-away orders as requested in form for Elder or Dependent Adult Abuse Restraining Orders, are:
		as stated in form EA-100 do not sufficiently show reasonable proof of a past act or buse of the elder or dependent adult by the person in (2) .
	(2) \Box Other (sp	<i>ecify</i>): \Box As stated on Attachment 4b.
(5)	Service of Docu	ments by the Person in ①
	• •	days before the hearing , someone age 18 or older— not you or anyone to be resonally give (serve) a court file-stamped copy of this form EA-109, <i>Notice of Court Hearing</i> , along with a copy of all the forms indicated below:
	a. EA-100, Request	for Elder or Dependent Adult Abuse Restraining Orders (file-stamped)
		porary Restraining Order (file-stamped) IF GRANTED
	_ / 1	e to Request for Elder or Dependent Adult Abuse Restraining Orders (blank form)
	· •	ow 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 <u>EA-200</u>, *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 <u>EA-115-INFO</u>, *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 <u>EA-100-INFO</u>, *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 $(\mathbf{1})$.
- 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 an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- 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 <u>MC-410</u>). (Civ. Code, § 54.8.)

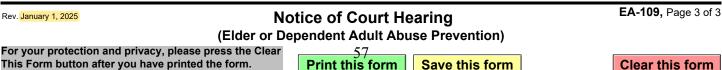
(Clerk will fill out this part.)

-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

Rev. January 1, 2025



	Temporary Restraining		
on in (1) must com	plete items (1), (2), and (3) only.		-
Protected Elder or Dependent Adult			DRAFT 2024-01-24
a. Full Name:			
Person requesting protection for the elder or dependent adult, if different (person named in item 3) of form EA-100):		Not approved by the Judicial Council	
Full Name: _			-
	rson named above (if any, for this ca.	,	
	State Ba	ar No.:	Fill in court name and street address: Superior Court of California, County o
Firm Name:			-
If you do not l private, you n	(If you have a lawyer, give your law have a lawyer and want to keep your hay give a different mailing address in elephone, fax, or email.):	home address nstead. You do not	
	State	Zip:	- Court fills in case number when form is filed.
		_ z.p.	– Case Number:
Telephone:			-
Email Addres			_
	s unknown, give an estimate.)		d to add this order to the California pol
database. If age a *Full Name: *Race:	s unknown, give an estimate.) Height:W	*Age eight: Ha	: Date of Birth:
database. If age a *Full Name: *Race: *Gender: N	s unknown, give an estimate.) Height: Wo	*Age eight: Ha ldress:	: Date of Birth:
database. If age a *Full Name: *Race:	s unknown, give an estimate.) Height:W	*Age eight: Ha	: Date of Birth:
database. If age a *Full Name: *Race: *Gender: M City: Relationship to	s unknown, give an estimate.) Height: Wo F Nonbinary Home Ad State: Protected Person:	*Age eight: Ha ldress:	: Date of Birth:
database. If age a *Full Name:*Race:*Gender: M City: Relationship to Additional In addition to the	s unknown, give an estimate.) Height: We F Nonbinary Home Ad State: Protected Person: Protected Persons elder or dependent adult named in (1) protected by the temporary orders in	*Age eight: Ha ldress: Zip:), the following far dicated below:	: Date of Birth: ir Color: Eye Color: mily or household members or conserva
database. If age a *Full Name: *Race: *Gender: M City: Relationship to Additional In addition to the of that person are	s unknown, give an estimate.) Height:Watery Home Add F Derson: Protected Persons elder or dependent adult named in (1) protected by the temporary orders in Full NameGender	Age eight: Ha ldress: Zip:	
database. If age if *Full Name: *Race: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if	s unknown, give an estimate.) Height: We F Nonbinary Home Ad State: Protected Person: Protected Persons elder or dependent adult named in (1) protected by the temporary orders in	<pre>*Age eight: Ha ldress: Zip:), the following fan dicated below: r Age Household r Age Yes as. List them on an</pre>	
database. If age if *Full Name: *Race: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if	s unknown, give an estimate.) Height:Watery Home Add F Dersons Frotected Persons elder or dependent adult named in (1) protected by the temporary orders in Full Name Gender there are additional protected person Additional Protected Persons" as	<pre>*Age eight: Ha ldress: Zip:), the following fan dicated below: r Age Household r Age Yes as. List them on an</pre>	
database. If age if *Full Name: *Race: *Gender: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if "Attachment Expiration Data	s unknown, give an estimate.) Height:Watery Home Add F Dersons Frotected Persons elder or dependent adult named in (1) protected by the temporary orders in Full Name Gender there are additional protected person Additional Protected Persons" as	<pre>*Age eight: *Age ldress: Zip:), the following fan dicated below: r Age Household r Age Household f Yes f S. List them on an a title. You may us</pre>	: Date of Birth: ir Color: Eye Color: mily or household members or conserva <u>A Member?</u> Relation to Protected Perso No No No No Attached sheet of paper and write the form <u>MC-025</u> , Attachment.
database. If age if *Full Name: *Race: *Gender: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if "Attachment Expiration Data	s unknown, give an estimate.) Height:Wateries Wateries Wat	Age eight: Ha ldress: Zip:), the following far dicated below: r Age Household r Age Household J Yes Yes Yes as. List them on an a title. You may us	: Date of Birth: ir Color: Eye Color: mily or household members or conserva <u>A Member?</u> Relation to Protected Perso No No No No Attached sheet of paper and write the form <u>MC-025</u> , Attachment.
database. If age if *Full Name: *Race: *Gender: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if "Attachment Expiration Data This Order expire	s unknown, give an estimate.) Height:Wata	Age eight: Ha ldress: Zip:), the following far dicated below: r Age Household r Age Household J Yes Yes Yes as. List them on an a title. You may us	
database. If age if *Full Name: *Race: *Gender: *Gender: M City: Relationship to Additional In addition to the of that person are Check here if "Attachment Expiration Data This Order expire	s unknown, give an estimate.) Height:WataWataWataWataWata	<pre>*Age eight: Ha ldress: Zip:), the following fan dicated below: r Age Household r Age Household r Yes as. List them on an a title. You may us ed for the date and</pre>	<pre>: Date of Birth: ir Color: Eye Color: mily or household members or conserva <u>1 Member? Relation to Protected Perso</u> <u>0 No 1 No 2 No 2 attached sheet of paper and write re form MC-025, Attachment. time below: 0 a.m p.m.</u></pre>

Case Number:

To the Person in 2 :

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

	D .						
(5)	P0	ersonal Conduct Orders					
		Not Requested Denied Until the Hearing Granted as Follows:					
	a.						
	and to the other protected persons listed in (3)						
		(1) D 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 messages, by fax, or by other electronic means.					
		(3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.					
		 (4) Other (specify): Other personal conduct orders are attached at the end of this Order on Attachment 5a(4). 					
6	St	to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①. tay-Away Orders					
		Not Requested Denied Until the Hearing Denied as Follows:					
	a.	You must stay at least yards away from (check all that apply):					
		(1) \Box The elder or dependent adult in (1) (5) \Box The vehicle of the person in (1)					
		(2) \Box Each person in (3) (6) \Box Other <i>(specify)</i> :					
		(3) The home of the elder or dependent adult					
		(4) The job or workplace of the elder or dependent adult					
	b.	This stay-away order does not prevent you from going to or from your home or place of employment.					
(7)	Μ	love-Out Order					
Ŭ		Not Requested Denied Until the Hearing Granted as Follows:					
	Yo	ou must immediately move out from and not return to (address):					
		This is a Court Order					

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

- □ Not Issued (financial abuse only)
- ☐ Granted as Follows:

This order must be granted unless only financial abuse is alleged.

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 in b below.

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. You must:
 - (1) 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.
 - (2) 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 <u>EA-800</u>, *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.

9) No Body Armor

If the order in (8) is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

10 Financial Abuse

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

11 Possession and Protection of Animals

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

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

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

This is a Court Order.

Other Orders Not Requested Denied Until the Hearing Granted as Follows (specify): 				
□ Not Requested □ Demed Onth the Hearing □ Granted as Follows (specify):				
Additional orders are attached at the end of this Order on Attachment 12.				
To the Person in 1 :				
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). <i>(Check one):</i>				
a. The clerk will enter this Order and its proof of service form into CARPOS.				
b. \Box The clerk will transmit this Order and its proof of service form to a law enforcement agency to be entered into CARPOS.				
c. Dy the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer show deliver a copy of the Order and its proof of service form to the law enforcement agencies 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 13.				
No Fee to Serve (Notify) Restrained Person				
If the sheriff or marshal serves this Order, he or she will do it for free.				
Number of pages attached to this Order, if any:				
Date: Judicial Officer				

This is a Court Order.

Warnings and Notices to the Restrained Person in 2

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

If the court grants the orders in item $(\mathbf{8})$, 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 item $(\mathbf{8})$. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form <u>EA-120</u>, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have form EA-120 served on the person in (1) (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign form <u>EA-250</u>, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use form <u>MC-030</u>, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at <u>www.courts.ca.gov/forms</u>. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

This is a Court Order.

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

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 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 will fill out this part.)

-Clerk's Certificate

Clerk's Certificate [seal]	I certify that this <i>Temporary Restraining Order</i> is a true and correct copy of the original on file in the court.				
	Date:	Clerk, by	, Deputy		
		This is a Court Order.			
Rev. <mark>January 1, 2025</mark>	Temporary R	estraining Order (CLETS-TEA or TEE)	EA-110 , Page 6 of		

orary Restraining Order (CLEIS-IEA or IEF) (Elder or Dependent Adult Abuse Prevention)

 EA-120 Response to Request for Elder Dependent Adult Abuse Restraining Orders Use this form to respond to the Request (form EA-100) Read How Can I Respond to a Request for Elder or Dependent Adur Restraining Orders? (form EA-120-INFO) to protect your rights. Fill out this form and take it to the court clerk. Have someone age 18 or older—not you—serve the person requesti protection in 1 by mail with a copy of this form and any attached (Use form EA-250, Proof of Service of Response by Mail.) 	It Abuse It Abuse Not approved by the Judicial Council
1 Elder or Dependent Adult Seeking Protection	Fill in court name and street address:
 Name: Name of person asking for the protection, if different <i>(This is person named in item</i> 3) <i>of the request (form EA-100).)</i> Person From Whom Protection Is Sought 	Superior Court of California, County of
a. Your Name:	Court fills in case number when form is filed.
Your Lawyer <i>(if you have one for this case)</i> Name: State Bar No.: Firm Name:	Case Number:
 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: 	Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item (3), here: Hearing Date:
 Bersonal Conduct Orders a. I agree to the orders requested. 	
 b. I do not agree to the orders requested. (Specify why you di c. I agree to the following orders (specify below or in item (
 Stay-Away Orders a. I agree to the orders requested. I do not agree to the orders requested. (Specify why you didentify a series of the following orders (specify below or in item (1)) 	

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Welfare and Institutions Code, § 15657.03

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	ove-Out Orders
a. 🗌	I agree to the orders requested.
b. 🗌	I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
c. 🗌	I agree to the following orders (specify below or in item (15) on page 4):
6) 🗆 A	dditional Protected Persons
a. 🗌	I agree that the persons listed in item $\textcircled{6}$ of form EA-100 may be protected by the order requested.
b. 🗌	I do not agree that the persons listed in item (6) of form EA-100 may be protected by the order requested.
7) □ 0	rder for Counseling or Anger Management Courses
í) This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.
a. 🗌	I agree to the orders requested.
b. 🗌	I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
c.	I agree to the following orders (specify below or in item (15) on page 4):
(guns	were served with form EA-110, <i>Temporary Restraining Order</i> , you cannot own or possess any firearms), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form
(guns used a EA-1 firear with f	
(guns used a EA-1 firear with f), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form 10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form <u>EA-800</u> , <i>Receipt for Firearms</i> <i>Tirearm Parts</i> , for the receipt.
(guns used a EA-1) firear with f <i>and F</i> a.), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form 10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form <u>EA-800</u> , <i>Receipt for Firearms</i>
(guns used a EA-1) firear with f <i>and F</i> a.	 a), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form 10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, <i>Receipt for Firearms Tirearm Parts</i>, for the receipt. I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another
(guns used a EA-1) firear with f <i>and F</i> a.	 b), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (a) of form (b).) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, <i>Receipt for Firearms lirearm Parts</i>, for the receipt. I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. <i>(Explain):</i> Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use for <u>MC-025</u>, Attachment.
(guns used a EA-1) firear with f <i>and F</i> a.	 a), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form 10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, Receipt for Firearms <i>Tirearm Parts</i>, for the receipt. I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain): Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use for
(guns used a EA-1) firear with f <i>and F</i> a. b. b.	 a), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item (8) of form (10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, <i>Receipt for Firearms irearm Parts</i>, for the receipt. I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. <i>(Explain)</i>: Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use for <u>MC-025</u>, Attachment.
(guns used a EA-1) firear with f <i>and F</i> a. b. b.	 a), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be as or easily turned into a receiver or frame (see Penal Code section 16531). (See item ⓐ) of form 10.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any ms (guns) or firearm parts in your immediate possession or control within 24 hours of being served form EA-110. You must file a receipt with the court. You may use form EA-800, <i>Receipt for Firearms irearm Parts</i>, for the receipt. I do not own or control any firearms (guns), firearm parts, or ammunition. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (<i>Explain</i>): □ <i>Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 8b—Firearms Surrender Exemption" as a title. You may use for <u>MC-025</u>, Attachment.</i> I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt □ is attached. □ has already been filed with the court.

No Body Armor

If you were served with form EA-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

Debts Caused by Financial Abuse

- a. \Box I agree to the findings requested.
- b. I do not agree to the findings requested. (Specify why you disagree in item (15) on page 4.)
- c. I agree to the following findings (specify below or in item (15) on page 4):

- a. \Box I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
- c. I agree to the following orders (specify below or in item (15) on page 4):

Other Orders

- a. \Box I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in item (15) on page 4.)
- c. I agree to the following orders (specify below or in item (15) on page 4):



12)

(10)

Denial

I did not do anything described in item (8) of form EA-100. (Skip to (15).)

Rev. January 1, 2025

Response to Request for Elder or Dependent Adult Abuse Restraining Orders (Elder or Dependent Adult Abuse Prevention)

14) 🗌 Justification or Excuse

If I did some or all of the things that the person in (1) has accused me of, my actions were justified or excused for the following reasons (explain):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14–Justification or Excuse" as a title. You may use form MC-025, Attachment.

(15) 🔲 Reasons I Do Not Agree to the Requests

Explain your answers to each order or finding requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 15—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

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	rder payment of my 🗌 lawye	er's fees court costs.	The amounts requested
Item	<u>Amount</u> \$	Item	<u>Amount</u> \$
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Date:	ame (if any) perjury under the laws of the Sta		C

Print this form

Save this form

Clear this form

DRAFT 2024-01-24 Not approved by the Judicial Council

EA-120-INFO

How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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).
 For more information about the items you would not be allowed to have, please see <u>selfhelp.courts.ca.gov/</u> restraining-orders/prohibited-items.

Who can ask for a restraining order?

A person who is being:

• Financially abused

Abandoned or abducted

• Deprived by a caregiver of goods or services necessary to live on

- Harmed
- Neglected
- Isolated

A conservator may seek an order on behalf of an elder or dependent adult.

I've been served with a request for elder or dependent adult abuse restraining orders. What do I do now?

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form <u>EA-120</u>, *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form <u>MC-025</u>. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

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

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

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

Do I need a lawyer?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

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EA-120-INFO

Should I go to the court hearing?

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

1 Elder or Dependent Adult in Need of Protection a. Full Name: Person requesting protection for the clder or dependent adult, if different (person named in item 3) offcm Ed-100; Full Name: Lawyer for person named above (if any for this case): Name: State Bar No: Firm Name: Lawyer for person named above (if any for this case): Name: State Bar No: Firm Name: Lawyer for person named above (if you have a lawyer, give your Inverse information, if you do not have a lawyer, give your Inverse information, if you do not have a lawyer, give information for the person requesting the order, if you want to keep yoar home address periode, you may give a different mading address instead To do not have to give telephone; Fas: Email Address: 2 Person You Want Protection From Full Name: The court will complete the rest of this form. Notice of Hearing A court hearing is scheduled on the request for restraining orders against the person in (2): Name and address of court if different from above: Intermity Date: Time: Date: Date: Time: Date: Date: Date: Date: Time: Date: Date:	-	A-109 No	tice of Court Hearing	Clerk stamps date here when form is filed.
Person requesting protection for the elder or dependent adult, if different (person named in item (§) of form EA-100): Full Name: Lawyer for person named above (if any for this case): Name: State Bar No:: Firm Name: State Bar No:: Firm Name: States are compared above (if you have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar lowyer's information. If you do not have a lawyer, give yoar low or to give telephone, fac, or enail.): Address: Court fill in case number when form is filed City:	· .		Adult in Need of Protection	·
different (person named in item ③) efform EA-1000; Full Name: Lawyer for person named above (if any for this case): Name: Firm Name: Firm Name: State Bar No.: Firm Name: State Stoperson named above (if you have a lawyer, give your Inoryar's information. If you do not have a lawyer, give woar for the person requesting the order. If you wont to keep you how address: Court do not have to give telephone. fac. or email.): Address: Person You Want Protection From Full Name: The court will complete the rest of this form. Notice of Hearing A court hearing is scheduled on the request for restraining orders against the person in (2): Ibar Dept: Boat: Time: Dept: Room: Dist end the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order agay on a tateed the hearing, the jud	a	Full Name:		_
Name:		different (person)		
Firm Name: File acout name and attest detects: b. Address for person named above (If you have a lawyer, give yoar lawye's information. If you do not have a lawyer, give information for the person requesting the order. If you want to keep yoar home address instead. You do not have to give telephone, fac, or enail.): Superior Court of California, Courty California, Courty address instead. You do not have to give telephone, fac, or enail.): Address:				
 b. Address for person named above (If yau have a lawyer, givy yaur lawyer's information. If you don have a lawyer, give yaur lawyer's information. If you and na have a lawyer, give information. If you have to an have a lawyer, give information. If you have to give telephone, fac, or enail.): Court flis in case number when form is field City:				
City: State: Zip: Case Number: Telephone: Fax: Fax: <t< td=""><td>b</td><td>lawyer's information. for the person reques address private, you r</td><td>If you do not have a lawyer, give information ting the order. If you want to keep your home nay give a different mailing address instead.</td><td> Superior Court of California, County of </td></t<>	b	lawyer's information. for the person reques address private, you r	If you do not have a lawyer, give information ting the order. If you want to keep your home nay give a different mailing address instead.	 Superior Court of California, County of
Cuty:		Address:		Court fills in case number when form is filed.
Email Address: Person You Want Protection From Full Name: The court will complete the rest of this form. Notice of Hearing A court hearing is scheduled on the request for restraining orders against the person in (2): Name and address of court if different from above: Utering > Date: Dept.: Room: Thy ou attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order aga, you, the order will be effective immediately, and you could be arrested if you violate the order. If you attend the hearing (in guege may still grant the restraining order that could last up to five years. After receive a copy of the order, you could be arrested if you violate the order. If you donot attend the hearing. Orders for personal conduct and stay-away orders as requested in form EA-110, served with this notice.) Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-110, served with this notice.) a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-110, Restrict of the Earth order. (1) □ All GRANTED until the court hearing.		City:	State: Zip:	Case Number:
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If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order aga 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 receive a copy of the order, you could be arrested if you violate the order.) Temporary Restraining Orders (Any orders granted are on form E4-110, served with this notice.) a. Temporary Restraining Orders (Any orders granted are on form E4-110, served with this notice.) for Elder on Dependent Adult Atuae Restraining Orders, are (check only one box below): (1) all GRANTED until the court hearing.	F) N A (H	Vull Name: Notice of Hearing A court hearing is sc Maring → Date:	The court will complete the rest of this fe heduled on the request for restraining or Name and addre	ders against the person in ②:
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Will I see the person who asked for the order at the court hearing?

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

Can I bring a witness to the court hearing?

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

How long does the order last?

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

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

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

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

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/EA-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

EA-130	Elder or Depend Restraining Ord	dent Adult Abus der After Hearing		lerk stamps date here when form is filed.
Person in 1 mu	st complete (1) , (2) , and	(3) only.		DRAFT
Elder or Dependent Adult Seeking Protection a. Full Name:			2024-01-24 Not approved by	
	person asking for the promed in item (3) of the rest			the Judicial Council
Lawyer for p	erson named above (if an			
Name:		State Bar No.:	E	ill in court name and street address:
Firm Name:			_	Superior Court of California, County
If you do not private, you n have to give t Address:	s (If you have a lawyer, g have a lawyer and want t nay give a different maili elephone, fax, or email.)	to keep your home addi ing address instead. Yo	ress u do not	
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Order After Hearing (CLETS-EAR or EAF) (Elder or Dependent Adult Abuse Prevention) 71

5 Hearing

a.	There was a hearing on <i>(date)</i> :	at (time):	in Dept.:	Room:
	(Name of judicial officer):		made the orde	ers at the hearing.

b. These people were at the hearing:

- (1) \square The elder or dependent adult in need of protection
- (2) \square The lawyer for the elder or dependent adult *(name)*:
- (3) \Box The person in (1) asking for protection (if not the elder or dependent adult)
- (4) \square The lawyer for the person in (1) asking for protection *(name)*:
- (5) \square The person in (2)
- (6) \square 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 $(\mathbf{1})$
 - 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) \Box 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) \Box Other (specify):

 \Box 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.

Stay-Away Orders

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

- (1) \square The elder or dependent adult in (1).
- (2) \square Each person in (3).

- (5) \Box The vehicle of the elder or dependent adult.
- (6) \Box Other (specify):
- (3) \Box The home of the elder or dependent adult.
- (4) \Box The job or workplace of the elder or dependent adult.
- 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.

7

8) 🗆 Move-Out Order

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

	Order for Counse	eling or Ang	ger Mana	agement		
a.	The person in (2) is or	rdered to atten	d:			
	Clinical counseling	g for	(specif	<i>y number)</i> sessions	; or	
	an anger managem	nent course				
	provided by a professi behavioral health prof courses).				-	
b.	The person in (2) must	st schedule cli	nical coun	seling or enroll in a	in anger managemen	t course by
	<i>(date)</i> : ordered to file written					de. The person in 2
c.	completion of the	court-ordered	anger man		counseling sessions ust be filed with the c or a court date on	*
	(data):	at (tim	e):	in Dept.:	Room:	

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 <u>EA-800</u>, *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.

(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 **No Body Armor**

If the order in (10) is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

(12)

Financial Abuse

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

Possession and Protection of Animals 13

a. \Box 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.

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)

	Money Owed To:		<u>For:</u>	<u>Amount:</u> \$
	Additional debts are attached	at the end of this Order on Attac	chment 14.	\$\$
15 []Lawyer's Fees and Co	sts		
-	You must pay to the person i	n (1) the following amounts for	lawyer's fees	costs:
	Item	<u>Amount</u>	Item	<u>Amount</u>
		\$		\$
		\$		\$
	Additional amounts are a	ttached at the end of this Order o	n Attachment <mark>15</mark> .	
		This is a Court Ord	ler.	
Rev. <mark>Januar</mark>	Ord	r or Dependent Adult Abu der After Hearing (CLETS Elder or Dependent Adult Abus	EAR or EAF)	EA-130 , Page 4 of 7

(16) Other Orders (specify):

	Additional orders are attached at the end of this Order on Attachment 16.
	To the Person in ①:
7)	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). <i>(Check one):</i>
	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. Dy 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 17.
8)	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, <i>Temporary Restraining Order</i> , was presented to the court. The judge 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, <i>Temporary Restraining Order</i>, was presented to the court. The judge 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.
9	No Fee to Serve (Notify) Restrained Person
_	If the sheriff or marshal serves this Order, they will do so for free.
0	Number of pages attached to this Order, if any:

Rev. January 1, 2025

Elder or Dependent Adult Abuse Restraining Order After Hearing (CLETS-EAR or EAF) (Elder or Dependent Adult Abuse Prevention)

EA-130, Page 5 of 7 \rightarrow

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 (18)), 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, \S 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 (18)) 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).)

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, § 883(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

Rev. January 1, 2025 Elder or Depo	endent Adult Ab	use Restrainin	g	EA-130 , Page 7 of 7
Order After Hearing (CLETS-EAR or EAF)				
(Elder or Dependent Adult Abuse Prevention)				
For your protection and privacy, please press the Clear	77			
This Form button after you have printed the form.	Print this form	Save this form		Clear this form

EPO-002 GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

LAW ENFORCEMENT CASE NUMBER:

1.	Address:	Clark storm a data hara where forms is file d
	nuuros.	Clerk stamps date here when form is filed.
	Gender: M F Nonbinary Ht.: Wt.: Hair color:	
	Gender: M F Nonbinary Ht.: Wt.: Hair color: Eye color: Race: Age: Date of birth:	
2	TO THE RESTRAINED PERSON	DRAFT
	(Also see important Warnings and Information on page 2):	2024-01-24
	You are required to surrender all firearms, ammunition, and magazines that you	Not approved by
	own or possess in accordance with section 18120 of the Penal Code and you	the Judicial Council
	may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this	
	order is in effect. However a more permanent gun violence restraining order may be	
	obtained from the court. You may seek the advice of an attorney as to any matter	
	connected with the order. The attorney should be consulted promptly so that the	Fill in court name and street address:
	attorney may assist you in any matter connected with the order. If you have any firearms (guns), firearm parts (receivers, frames, and any item	Superior Court of California, County of
	that may be used as or easily turned into a receiver or frame), ammunition, or	
	magazines, you MUST IMMEDIATELY SURRENDER (GIVE) THEM if asked by a	
	police officer. If a police officer does not ask you to surrender the items, within 24 hours	
	of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done.	
	You have 48 hours to file a receipt with the court shown to the right. If you do not file	
	a receipt within 48 hours you have violated this order and can go to jail.	Court fills in case number when form is filed.
	You cannot own, possess, or buy body armor (defined in Penal Code section 16288).	Case Number:
2	You must relinquish any body armor you have in your possession. This order will last until: Time	
З.	INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED)	
4.	Court Hearing A court hearing will be set within 21 days.	
	A court hearing will take place at the court above on: Date:	Time/Dept:
6.	Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergence the Restrained Person poses an immediate danger of causing personal injury to themse owning, purchasing, possessing, or receiving any firearms, firearm parts, ammunition, o alternatives were ineffective or have been determined to be inadequate or inappropriate Judicial officer (<i>name</i>): Granted this order on (APPLICATION Officer has a reasonable cause to believe that the grounds set forth in item 5, above, ex	If or to another by having custody or control, r magazines; and (2) less restrictive under the circumstances. <i>(date):</i> at <i>(time)</i> :
	weapons—number, type and location):	
8.	 Firearms (including parts) were observed reported physically se Ammunition (including magazines) was observed preported physically se 	arched for seized.
	I declare under penalty of perjury under the laws of the State of California th	_
B	Y: (PRINT NAME OF LAW ENFORCEMENT OFFICER) (SIGN	ATURE OF LAW ENFORCEMENT OFFICER)
A	gency: Telephone No:	Badge No:
A	ddress:	
	PROOF OF SERVICE	
	I personally delivered copies of this Order to the restrained person named in item 1.	
	Date of service: Time of service: Address:	
10	. At the time of service, I was at least 18 years of age.	
	leclare under penalty of perjury under the laws of the State of California that the foregoir	ag is true and correct
_	ate:	
	(TYPE OR PRINT NAME OF SERVER/LAW ENFORCEMENT OFFICER)	(SIGNATURE OF SERVER)
Jud	licial Council of California, www.courts.ca.gov Gun Violonco Emorgonov Protoctivo O	rder (CLETS-EGV) Page 1 of 2
Rev	Idicial Council of California, www.courts.ca.gov /. January 1, 2025, Mandatory Form hal Code, § 18125 et seq. Gun Violence Emergency Protective O ONE copy to court, ONE copy to restrained person, ONE	· · · · ·

GUN VIOLENCE EMERGENCY PROTECTIVE ORDER WARNINGS AND INFORMATION

TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm (gun), a firearm part (a receiver, frame, or any item that may be used as or easily turned into a receiver or frame), ammunition, or a magazine. (Pen. Code, §§ 16531 & 18125 et seq.) A violation of this order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19 & 18205.) Within 24 hours of receipt of this order, you must turn in all items listed above to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48-hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use form GV-800, *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines*.

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use form GV-020, *Response to Gun Violence Emergency Protective Order*. A longer-term restraining order may be requested from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm (gun), firearm part (a receiver, frame, or any item that may be used as or easily turned into a receiver or frame), ammunition, or magazine for an additional five-year period, to begin on the expiration of the existing gun violence restraining order. (Pen. Code, §§ 16531 & 18205.) This protective order must be enforced by all law enforcement officers in the state of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

A LA PERSONA RESTRINGIDA: Tiene prohibido ser dueño de, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, un componente de armas de fuego (un receptor o armadura, o cualquier artículo que puede ser usado como receptor o armadura o fácilmente convertido en receptor o armadura), municiones o cargadores. (Cód. Penal, §§ 16531 & 18125 y siguientes). Una violación de esta orden es un delito menor que está sujeta a una multa de \$1000 o encarcelamiento de seis meses o ambos. (Cód. Penal, §§ 19 & 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar todos los artículos indicados arriba a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Cód. Penal, § 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden, o el próximo día hábil, si el periodo de 48 horas termina un día en que está cerrada la corte. También tiene que presentar el recibo a la agencia del orden público que le entregó esta Orden. Se puede usar el formulario GV-800, *Recibo por armas de fuego, componentes de armas de fuego, munciones, y cargadores.*

Se le prohíbe ser dueño de, poseer, o comprar blindaje personal (de acuerdo con la definición en la sección 16288 del Código Penal). Tiene que entregar todo blindaje personal que tenga en su posesión.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, *Respuesta a la orden de protección de emergencia de armas de fuego*. Se puede solicitar a la corte una orden de restricción a más largo plazo.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, un componente de armas de fuego (un receptor o armadura, o cualquier artículo que puede ser usado como receptor o armadura o fácilmente convertido en receptor o armadura), municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego existente. (Cód. Penal, §§ 16531 & 18205.) Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma tiene que hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

To law enforcement: The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, firearm parts, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable, but not later than three court days, after issuance, so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this temporary Gun Violence Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

EPO-002 [Rev. January 1, 2025] GUN VIOLENCE EMERGENCY PROTECTIVE ORDER (CLETS-EGV) Page 2 of 2 70 70

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Response to Gun Violence Clerk stamps date here when form is filed. **GV-020 Emergency Protective Order** DRAFT Use this form if you do not want the court to extend the Gun 2024-02-06 Violence Emergency Protective Order for a period of time Not approved by between 1–5 years. the Judicial Council 1. Read How Can I Respond to a Gun Violence Emergency Protective Order? (form GV-020-INFO) to protect your rights. Fill out this form and take it to the filing window at the court. 2. Have someone age 18 or older-not you-mail a copy of this form and 3. Fill in court name and street address: any attached pages to the law enforcement agency that applied for the Superior Court of California, County of Gun Violence Emergency Protective Order (form EPO-002). (Use Proof *of Service by Mail* (form <u>GV-025</u>).) **Requesting Agency or Officer** 1) (A petition may be filed in the name of the law enforcement agency in which the officer is employed.) See Notice of Hearing for case number and fill in: Case Number: **Restrained Person** 2) a. Your Name: Your Lawyer (*if you have one for this case*): Name: _____ State Bar No.: ____ Firm Name: Be prepared to tell the court at the hearing why you don't agree. Write your hearing date, time, and b. Your Address (If you have a lawyer, give your lawyer's place from the Notice of Hearing or *Gun Violence* information. You do not have to give telephone, fax, or Emergency Protective Order (form EPO-002) here: email address.) Hearing → Date: _____ Time: _____ Address: Date J Dept.: Room: City:_____State: Zip: _____ You must obey the *Gun Violence Emergency* Telephone: Fax: **Protective Order until the expiration date.** At Email Address: the hearing, the court may make an order against you for a period of time between 1-5 years. **Gun Violence Restraining Order** 3 \Box I do not agree that a gun violence restraining order should be extended for 1–5 years *(explain)*: Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Penal Code, § 18170 et seq.

(4)		Denial, Justification, or Excuse
-		I did not do anything described in item 7 of form EPO-002.
		If I did some of the things stated in the Gun Violence Emergency Protective Order, my actions were justified or excused for the following reasons <i>(explain):</i>
		Check here if there is not enough space above for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 4—Denial, Justification, or Excuse" as a title. Use form MC-025, Attachment.
(5)	Fi	rearms (Guns), Firearm Parts, Ammunition, and Magazines
	fra 16 so. an foi	ssess any firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receivers and ames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 531). You must turn over any of these items in your possession to law enforcement when they ask you to do . If not asked, you must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, y of the above listed items in your immediate possession or control within 24 hours of being served with rm EPO-002. You must file a receipt with the court and the law enforcement agency. You may use <i>Receipt r Firearms, Firearm Parts, Ammunition, and Magazines</i> (form <u>GV-800</u>) for the receipt.
	a. b.	I have turned in my firearms (guns), firearm parts, ammunition, and magazines to a law enforcement officer
		or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached has already been filed with the court and the law enforcement agency.
		is attached in has already been filed with the court and the law emoreement agency.
6	N	o Body Armor
	If	you were served with form GV-110, <i>Temporary Gun Violence Restraining Order</i> , you are prohibited from ming, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.
	(C	heck all that apply):
	a.	I do not own or have any body armor.
	b.	I have relinquished all body armor that I have in my possession.
	c.	I have or will ask for an exception to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). <i>(Attach a copy of the letter granting permission, if you have one.)</i>

 \rightarrow

7	Number of pages attached to this form, if any:	_	
	Date:		
	Lawyer's name (if any)	Lawyer's signature	

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

Date:

Type or print your name

Sign your name

Rev. January 1, 2025 Resp	oonse to Gun Vi	olence	GV-020, Page 3 of 3
	gency Protectiv un Violence Prever		
For your protection and privacy, please press the Clear This Form button after you have printed the form.	82 Print this form	Save this form	Clear this form

DRAFT 2024-01-24 Not approved by the Judicial Council

How Can I Respond to a Gun Violence Emergency Protective Order?

What is a *Gun Violence Emergency Protective Order* (form EPO-002)?

It is a court order requested by law enforcement that prohibits someone from having any of the following prohibited items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition; and

GV-020-INFO

• Magazines (any ammunition feeding device).

The person must turn in, sell, or store all prohibited items listed above that they currently own. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

Who can ask for a gun violence emergency protective order?

The gun violence emergency protective order must have been requested by a law enforcement officer and was issued by a judicial officer based on the statements made under penalty of perjury in the protective order.

I've been served with a *Gun Violence Emergency Protective Order* (form EPO-002) and a *Notice of Court Hearing*. What do I do now?

Read the papers served on you very carefully. The *Notice* of *Court Hearing* or form EPO-002 tells you when to appear for court and where the court is located. If you want to attend the hearing remotely, such as by phone or videoconference, check your local court's website for instructions and availability. Follow the *Gun Violence Emergency Protective Order* (form EPO-002) prohibiting you from having any prohibited items listed above and requiring you to surrender, sell, or store any prohibited items that you currently own or possess. You must obey the order until the expiration date on the form.



What if I don't obey the emergency protective order?

The police can arrest you. You can go to jail and pay a fine. You may also be prohibited for a longer period of time from having access to firearms, firearm parts, ammunition, and magazines.

What if I don't want the order to be extended?

If you disagree with the order that has been issued and do not want the court to extend it for a longer time, fill out *Response to Gun Violence Emergency Protective Order* (form <u>GV-020</u>), before your hearing date. File the form with the court and serve it on the requesting law enforcement agency. You can get the form from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find it at your local courthouse or county law library.

Will I have to pay a filing fee?

No.

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

Yes. Have someone age 18 or older—**not you**—mail a copy of the completed *Response to Gun Violence Emergency Protective Order* (form GV-020) to the law enforcement agency that issued the *Gun Violence Emergency Protective Order* (form EPO-002). (This is called "service by mail.")

The person who serves the form by mail must fill out *Proof* of Service by Mail (form <u>GV-025</u>). Have the person who did the mailing sign the original form GV-025. Take the completed form back to the court clerk or bring it with you to the hearing.

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Optional Form Penal Code, § 18125 et seq.

GV-020-INFO How Can I Respond to a Gun Violence Emergency Protective Order?

Should I attend the court hearing?

Yes. You should attend the hearing listed on the *Notice of Court Hearing* or the *Gun Violence Emergency Protective Order* (form EPO-002). You can do so remotely, such as by telephone or videoconference, or go to court in person. If you do not attend the hearing, the judge can extend the order against you for a period of time between 1–5 years without hearing from you.

Can I attend the court hearing remotely, such as by telephone or videoconference?

Yes. Remote appearances are permitted for parties and witnesses. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find at www.courts.ca.gov/find-my-court.htm.

Can I bring a witness to the court hearing?

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

Do I need a lawyer?

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

How long does the order last?

The *Gun Violence Emergency Protective Order* (form EPO-002) will last until the expiration date listed on the front of the form in item 3. The court will decide at the hearing whether to issue a gun violence restraining order that can last for a period of time between 1–5 years.



Will I see the person who asked for the court order at the court hearing?

It's possible the law enforcement officer may appear at the court hearing.



What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

For help in your area, contact:

[Local information may be inserted.]

Rev. January 1, 2025

How Can I Respond to a Gun Violence Emergency Protective Order? (Gun Violence Prevention)

Print this form Save this form



Clear this form

	GV-030 Gun Violence Restraining Order After Hearing on EPO-002	Clerk stamps date here when form is filed.
The c	<i>court will complete this form.</i> Requesting Agency or Officer (A petition may be filed in the name of the law enforcement agency in which the officer is employed.) Law enforcement agency or officer that applied for the Gun Violence Emergency Protective Order:	DRAFT 2024-05-22 Not approved by the Judicial Council
		 Fill in court name and street address:
2	Restrained Person Full Name:	Superior Court of California, County of
	Lawyer (if there is one for this case): Name:	
		Court fills in case number when form is filed.
	Address: City: State: Zip:	Case Number:
	Telephone: Fax: Email Address:	
	Hair Color: Eye Color: Age: Home Address: City: State Expiration Date	Zip:
J	This order expires at:	
	(<i>Time</i>): [] a.m. [] p.m. [] midnight on (<i>date</i>):	
	If no expiration date is written here, this order expires one year from the	date of issuance.
4	Hearing	
-	a. There was a hearing on <i>(date)</i> :at <i>(time)</i> :	
	(Name of judicial officer):b. These people attended the hearing:	_ made the orders at the hearing.
	(1) \Box The officer or representative of the Requesting Agency	
	(2) The Restrained Person Lawyer for the Restrained Person This is a Court Order.	(name):
Rev. <mark>Jar</mark> Penal C	Council of California, www.courts.ca.gov nuary 1, 2025, Mandatory Form ode, § 18170 et seq. ad by DOJ Gun Violence Restraining Orc After Hearing on EPO-002 (CLETS-HGV) (Gun Violence Prevent	\rightarrow

5) Findings

- a. \Box The court finds by clear and convincing evidence that the following are true:
 - (1) The Restrained Person poses a significant danger of causing personal injury to themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts, ammunition, or magazines. 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).
 - (2) A gun violence restraining order is necessary to prevent personal injury to the Restrained Person or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- **b.** The court has received credible information that the Restrained Person owns or possesses one or more firearms, firearm parts, ammunition, or one or more magazines.

See the attached *Attachment* (form <u>MC-025</u>)

6) No Firearms (Guns), Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

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

- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item (4) is in effect.
 - d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.

e. 🗌 Order dissolving (terminating) *Gun Violence Emergency Protective Order*.

The court dissolves (terminates) the *Gun Violence Emergency Protective Order* (form EPO-002) originally issued on *(date)*: ______as of *(date of hearing)*: _____

) <mark>No Body Armor</mark>

7

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

8 Service of Order on the Restrained Person

- a. The Restrained Person was present in court at the time the order was issued. No other proof of service is needed. The clerk has provided the Restrained Person with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600), if a restraining order was granted.
- b. The Restrained Person was not present in court at the time the order was issued. The Restrained Person must be personally served with a court file-stamped copy of this order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form <u>GV-600</u>), if a restraining order was granted.

9) Number of pages attached to this Order, if any:

Date:

Judicial Officer

This is a Court Order.

GV-030, Page 3 of 5

Warnings and Notices to the Restrained Person

To the restrained person: This order will last until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the order.

Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 6b, above, for a period of up to five years. This Order must be enforced by any law enforcement officer in the state of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any of those items that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition, and Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the Restrained Person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Restrained Person claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

This is a Court Order.

GV-030, Page 4 of 5

Instructions for Law Enforcement

(continued)

Enforcing This Order

The law enforcement officer should determine if the Restrained Person had notice of the order. Consider the Restrained Person "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file;
- The Restrained Person was informed of the order by an officer; or
- Item 7a is checked, indicating the Restrained Person was present in court at the time the order was issued.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it *(see above: Duties of Officer Serving This Order)*.

The provisions in this *Gun Violence Restraining Order After Hearing on EPO-002* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

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

Clerk's Certificate	I certify that this Gun Violence Restraining Order After Hearing on EPO-002
[seal]	(CLETS-HGV) (form GV-030) is a true and correct copy of the original on file in
	the court.

Date:	Clerk, by	, Deputy

		IUCI.	
	olence Restrain	•	GV-030, Page 5 of 5
	r Hearing on EF GV) (Gun Violence		
For your protection and privacy, please press the Clear This Form button after you have printed the form.	89 Print this form	Save this form	Clear this form

GV-100 Restraining Order	Clerk stamps date here when form is filed.
A <i>Can a Gun Violence Restraining Order Help Me?</i> (form <u>GV-100-INFO</u>) re completing this form. Petitioner a. Your Full Name or Name of Law Enforcement Agency:	DRAFT 2024-01-24 Not approved by
	the Judicial Council
I am:	
An officer of a law enforcement agency (A petition may be filed in	Fill in court name and street address:
the name of the law enforcement agency in which the officer is employed. If you wrote your full name above, write the name of the law enforcement agency that employs you):	Superior Court of California, Count
An employer of the Respondent (<i>your position and name of company</i>):	
company).	Court fills in case number when form is filed
A coworker of the Respondent. I have had substantial and regular	Case Number:
interactions with the Respondent for at least one year and I have obtained the approval of my employer to file this petition <i>(name of company):</i>	
6 months. I have obtained the approval of a school administrator to	the this petition (name of the school
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have have have have have have have have	at or lived with the Respondent with the Respondent for at least one y
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. 	at or lived with the Respondent with ith the Respondent for at least one y ad substantial and regular interactio
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. b. Your Lawyer <i>(if you have one for this case):</i> Name:	at or lived with the Respondent with ith the Respondent for at least one y ad substantial and regular interactio
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. Your Lawyer <i>(if you have one for this case):</i> Name: 	at or lived with the Respondent with ith the Respondent for at least one y ad substantial and regular interactio State Bar No.:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. Your Lawyer <i>(if you have one for this case):</i> Name: 	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the past six months and have had substantial and regular interactions with a person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have has with the Respondent for at least one year. Your Lawyer <i>(if you have one for this case):</i> Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.: <i>Tyou do not have a lawyer and want</i> <i>ess instead. You do not have to give</i> <i>tion.)</i> Telephone:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have has with the Respondent for at least one year. Your Lawyer (<i>if you have one for this case</i>): Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.: <i>You do not have a lawyer and want</i> <i>ess instead. You do not have to give</i> <i>tion.)</i> Telephone:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the past six months and have had substantial and regular interactions with the Respondent. A person who has a dating relationship with the Respondent. I have he with the Respondent for at least one year. b. Your Lawyer <i>(if you have one for this case):</i> Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.: <i>Tyou do not have a lawyer and want</i> <i>ess instead. You do not have to give</i> <i>tion.)</i> Telephone:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. b. Your Lawyer (<i>if you have one for this case</i>): Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interactio State Bar No.:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. Your Lawyer <i>(if you have one for this case):</i> Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.: <i>Tyou do not have a lawyer and want</i> <i>ess instead. You do not have to give</i> <i>tion.)</i> Telephone:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. b. Your Lawyer (<i>if you have one for this case</i>): Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. b. Your Lawyer (<i>if you have one for this case</i>): Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.:
 A roommate of the Respondent. I currently live with the Respondent past six months and have had substantial and regular interactions with the A person who has a dating relationship with the Respondent. A person who has a child in common with the Respondent. I have h with the Respondent for at least one year. b. Your Lawyer (<i>if you have one for this case</i>): Name:	at or lived with the Respondent with ith the Respondent for at least one y and substantial and regular interaction State Bar No.:

3 Venue

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

- a. The Respondent lives in this county.
- b. \Box Other (specify):

Other Court Cases 4

- a. Are you aware of any other court cases, civil or criminal, involving the Respondent?
 - Yes No If yes, check each kind of case and give as much information as you know as to where and when each was filed:

Kind of Case	Filed in (County/State)	Year Filed Case Number (if known)
(1) 🗌 Civil Harassment		
(2) Domestic Violence		
(3) Divorce, Nullity, Legal Separation		
(4) 🗌 Paternity, Parentage, Child Custody		
(5) \Box Elder or Dependent Adult Abuse		
(6) \Box Eviction		
(7) 🗌 Workplace Violence		
(8) Criminal		
(9) \Box Other <i>(specify)</i> :		· · · · · · · · · · · · · · · · · · ·

b. Are there now any protective or restraining orders in effect relating to Respondent? ☐ Yes ☐ No ☐ I don't know *If yes, attach a copy if you have one.*

5) Description of Respondent's Firearms (Guns), Firearm Parts, Ammunition, or Magazines

Answer 5a or check 5b if you have reason to believe that the Respondent is in possession of firearms (guns), firearm parts, ammunition, or magazines. 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).

a. I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms, firearm parts, ammunition, or magazines (describe the number, types, and locations of any of those items that you believe that the Respondent currently possesses or controls):

	Types of firearms (guns), firearm parts, ammunition or magazines	How many or what amount?	Location, if known
(1)			
(2)			
(3)			
(4)			
(5)			
(6)			

b. 🗌 I am informed, and on that basis believe, that Respondent currently possesses or controls firearms, firearm parts, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those items.

6) Reasons a Gun Violence Restraining Order is Needed

Explain why a gun violence restraining order is needed. This explanation should include: (1) how the Respondent poses a danger to themselves or others by having a firearm (gun), a firearm part (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), ammunition, or a magazine; and (2) whether other less restrictive alternatives to a gun violence restraining order have been tried and found to be ineffective, or why other less restrictive alternatives have been determined to be inadequate or inappropriate for the current circumstances. If any of the following have occurred, you should include information about them:

- Threats or acts of violence or physical force by the Respondent.
- Violation of a protective order by the Respondent.
- The Respondent being convicted of illegally possessing a firearm (gun).
- The Respondent being arrested for a felony offense.
- The unlawful and reckless use, display, or brandishing of a firearm (gun) by the Respondent.
- Recent criminal offenses by the Respondent that involve illegal drugs or alcohol.
- Recent acquisition of firearms (guns), ammunition, other deadly weapons, or body armor by the Respondent.
- Any other evidence of an increased risk for violence by the Respondent.

The facts supporting the above statements are set forth:

Below On *Attached Declaration* (form <u>MC-031</u>).

Request for Gun Violence Restraining Order

I request that the court issue an order prohibiting Respondent from having in their custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms (guns), firearm parts, ammunition, or magazines. 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). I further request that Respondent be ordered to immediately surrender (turn in, sell, or store) all firearms, firearm parts, ammunition, and magazines currently in their possession to a law enforcement officer or to sell those items to or store them with a licensed gun dealer.

a. I request the order above for years. (*Please include a number of years between one and five years*.)

b. I am asking for this amount of time because:

(8)

7

No Body Armor

If an order is granted, the Respondent will be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

a	N

No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders, they will do it for free.

10) Request for Hearing

I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last between one and five years.



12)

Temporary Gun Violence Restraining Order

I request that a temporary gun violence restraining order be issued against the Respondent to last until the hearing. I am presenting *Temporary Gun Violence Restraining Order* (form <u>GV-110</u>) for the court's signature together with this Petition.

Has the Respondent been told that you were going to court to seek a temporary gun violence restraining order?

 \Box Yes \Box No (If you answered no, explain why below):

Reasons stated in Attachment 11.

Request to Give Less Than Five Days' Notice of Hearing

You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (See What Is "Proof of Personal Service"? (form $\underline{GV-200-INFO}$). Proof of Personal Service (form $\underline{GV-200}$) may be used to show the court that the papers have been served.)

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

Reasons stated in Attachment 12.

13 Number of pages attached to this form, if any:

Date:

Lawyer's name (if any)

Lawyer's signature

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

Date:		
<i>Type or print your name</i>	Sign you	r name
	This is not a Court Order.	
Rev. January 1, 2025 Petition f	or Gun Violence Restraining Order (Gun Violence Prevention)	GV-100, Page 4 of 4
For your protection and privacy, please press the Cl This Form button after you have printed the form.		Clear this form

DRAFT 2024-01-24 Not approved by the Judicial Council

GV-100-INFO Can a Gun Violence Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer or a self-help center.

What is a gun violence restraining order?

It is a court order that temporarily prohibits someone from having any of the following items:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531) (these may also be called "ghost guns");
- Ammunition; and
- Magazines (any ammunition feeding device).

The person must turn in, sell, or store any prohibited items listed above that that person currently owns. The police will come and remove the items or the person can store them with a licensed gun dealer while the restraining order is in effect. The restrained person also cannot buy any of the prohibited items during this time. The restrained person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items, please see. <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

Can I get a gun violence restraining order against someone?

You can ask for one if you are connected to the person you think is dangerous as:

- An immediate family member;
- An employer;
- A coworker who has substantial and regular interactions with the person and has worked with them for at least a year. You must have permission from your employer to ask for the restraining order;
- An employee or teacher at a school that the person has attended in the last six months, where you have permission from a school administrator or staff member who has a supervisorial role;
- A law enforcement officer or agency;
- A roommate who resided in the household in the past six months and has had substantial and regular interactions with the person for at least a year;
- Somebody in a dating relationship; or
- Somebody who shares a child with the person and has had substantial and regular interactions with the person for at least a year.

Immediate family members include:

- Your spouse or domestic partner;
- You or your spouse's parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparents or stepgrandparents; and
- You or your spouse's aunts, uncles, nieces, nephews, first and second cousins, great-grandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

If you do not have the necessary relationship, advise a law enforcement officer of the situation. The officer may investigate and file the petition if grounds exist.

Will I have to pay a filing fee to request the order?

No.

Will the order protect me in other ways, such as keeping the person from coming near me?

No, the only order the court can make is to force the person to not have the prohibited items listed above. If you need personal protection from a family member, you should proceed under the Domestic Violence Prevention Act. See Can a Domestic Violence Restraining Order Help Me? (form <u>DV-500-INFO</u>) for information on how to proceed. For information on other civil restraining orders, please see <u>selfhelp.courts.ca.gov/types-restraining-orders</u>.

What forms do I need to get the order?

You must fill out the following forms:

- *Petition for Gun Violence Restraining Order* (form <u>GV-100</u>);
- Confidential CLETS Information (form CLETS-001);
- *Notice of Court Hearing* (form <u>GV-109</u>), items 1 and 2 only; and
- *Temporary Gun Violence Restraining Order* (form <u>GV-110</u>), items 1 and 2 only.

You may need other local forms. Ask your self-help center or visit your court's website.

Where can I get these forms?

You can get the forms from legal publishers or the internet at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

 \rightarrow

What do I need to do to get the order?

You must file your papers with the superior court in the county where the person to be restrained lives. Check online or ask the court how to file your request for a gun violence restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) File your forms electronically or give your forms to the clerk of the court. The court will give you a hearing date on the Notice of Court Hearing form.

How soon can I get the order?

You can ask for a temporary gun violence restraining order, which will be effective right away if granted. The court may decide whether or not to grant the temporary order based only on the facts that you have stated in your petition. If so, the court will decide within 24 hours whether or not to make the temporary order. Sometimes the court will want to examine you personally under oath. If you file in person, the clerk will tell you whether you should wait to talk to the judge or come back later to find out if the court has signed a temporary order.

If you don't ask for a temporary restraining order, you will have to wait until the hearing, at which the court will decide whether to make an order that will last for a period of time between 1-5 years.

How will the person to be restrained know about the order?



If the court issues a temporary restraining order, someone age 18 or older—not you—must personally "serve" (give) the person to be restrained a copy of the order. The server must then fill out Proof of Personal Service (form GV-200) and give it to you to file with the court. If the person to be restrained attends the hearing, no further proof of service is required. But if they do not attend the hearing, then any order issued at the hearing must also be personally served. For help with service, ask the court clerk for What Is "Proof of Personal Service"? (form GV-200-INFO). Note: A sheriff or marshal can serve the order for free.

Do I need a lawyer?

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

What do I have to prove to get the order?

You will have to convince the judge that the person to be restrained poses a significant danger in the near future of causing personal injury to themself or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving any of the prohibited items listed on page 1.

You will also have to convince the judge that a gun violence restraining order is needed to prevent personal injury to the person to be restrained or to another person because less restrictive alternatives either have been tried and haven't worked, or are inadequate or inappropriate for the current circumstances.

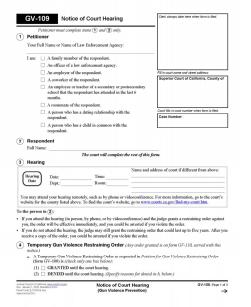
You will need to give the judge specific information. You should tell the judge everything that you know about the firearms, firearm parts, ammunition, body armor, or magazines that the person to be restrained currently owns, including how many the person owns, the types, and where they are kept.

Then you will need to present facts to show that the person to be restrained is dangerous to themself or others. This could be information about any threat of violence that the person to be restrained has made, any violent incident in which the person has been involved, or any crime of violence the person has committed. It could also be evidence that the person to be restrained has violated a protective order or abuses controlled substances or alcohol. It could also be evidence of the unlawful and reckless use, display, or brandishing of a firearm or the recent acquisition of a firearm or body armor. Or it could be evidence that the person to be restrained has been identified by a mental health provider as someone prohibited from purchasing, possessing or controlling any firearms.

You should include all of this information in your Petition and also be prepared to present it to the judge at the hearing.

Do I have to attend a court hearing?

Yes. Attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109).



You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: <u>www.courts.ca.gov/find-my-court.htm</u>.

Can someone attend the hearing with me?

Yes. Someone can sit with you during the hearing, but that person cannot speak for you to the court. Only you or your lawyer (if you have one) can speak for you.

Do I need to bring a witness to the hearing?

Witnesses are not required, but it helps to have more proof than just your word. For example, consider bringing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use *Declaration* (form MC-030) for this purpose.)

Will I see the restrained person at the court hearing?

If the person attends the hearing, yes. If you are afraid, tell the court.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date, which must be within 21 days of the date of the temporary order. If at the hearing the court issues a more permanent order, it will last for one to five years. It may be renewed for an additional one to five years.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

Can I agree with the restrained person to terminate the order?

No. Once the order is issued, only the judge can change or terminate it. The restrained person would have to file a request with the court to terminate the order.



What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/GV-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

GV-10	9 Notice	of Court Hearing	Clerk stamps date here when form is filed.
Petitione		ete items (1) and (2) only.	DRAFT
Your Full	Name or Name of	Law Enforcement Agency:	2024-01-24 Not approved by the Judicial Council
I am:	A family member	of the Respondent.	
	An officer of a lav	w enforcement agency.	
	An employer of th	ne Respondent.	Fill in court name and street address:
	A coworker of the	e Respondent.	Superior Court of California, County of
	An employee or t	eacher of a secondary or postsec espondent has attended in the las	
	A roommate of th	e Respondent.	
	-	s a dating relationship with the	Court fills in case number when form is filed.
	Respondent.		Case Number:
	Respondent.	s a child in common with the	
2) Respond Full Name			
		The court will complete the r	rest of this form.
3) Hearing			
]	Name and address of court if different from above:
Hearing	Date:	Time:	
8	Dente		
Date	Dept.:	Room:	
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Date You may atten	d your hearing ren	notely, such as by phone or vide	coconference. For more information, go to the court's go to <u>www.courts.ca.gov/find-my-court.htm</u> .
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Date You may atten website for the o the person in If you attend t	d your hearing ren county listed abov n(2): the hearing (in pers	notely, such as by phone or vide ye. To find the court's website, g	go to <u>www.courts.ca.gov/find-my-court.htm</u> . rence) and the judge grants a restraining order against
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- (1) \square **GRANTED** until the court hearing.
- (2) DENIED until the court hearing. (Specify reasons for denial in b, below.)

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4 b. Reasons for denial of a Temporary Gun Violence Restraining Order as requested in *Petition for Gun Violence Restraining Order* (form GV-100) are:

(1) The facts as stated in form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to themself or another person by having custody or control of, owning, purchasing, possessing, or receiving firearms, firearm parts, ammunition, or magazines. 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).

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

(2) Other (as stated): Below On Attachment 4b	(2)	Other (as stated	$(): \square$ Below	On Attachment 4b(2)
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5) Service of Documents on Respondent

At least ______ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this form GV-109 to the Respondent, along with a copy of all the forms indicated below:

- a. GV-100, Petition for Gun Violence Restraining Order (file-stamped)
- b. 🗌 GV-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED
- c. <u>GV-120</u>, Response to Petition for Gun Violence Restraining Order (blank form)
- d. <u>GV-120-INFO</u>, How Can I Respond to a Petition for a Gun Violence Restraining Order?
- e. <u>GV-125</u>, Consent to Gun Violence Restraining Order and Surrender of Firearms (blank form)
- f. Other (specify):

Judicial Officer

Case Number:

To the Petitioner in 1:

- The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. *Proof of Personal Service* (form <u>GV-200</u>) may be used.
- For information about service, read What Is "Proof of Personal Service"? (form GV-200-INFO).
- You may ask to reschedule the hearing if you are unable to find the Respondent and need more time to serve, or for other good reasons. Use *Request to Continue Court Hearing for Gun Violence Restraining Order* (form <u>GV-115</u>).
- You must attend the hearing if you want the judge to make any of the orders you requested on form GV-100, *Petition for Gun Violence Restraining Order*. Bring any evidence or witnesses you have. For more information, read form <u>GV-100-INFO</u>, *Can a Gun Violence Restraining Order Help Me*?

To the Respondent:

- If you want to oppose the *Petition for Gun Violence Restraining Order* (form GV-100) in writing, file *Response to Petition for Gun Violence Restraining Order* (form <u>GV-120</u>) and have someone age 18 or older—**not you**—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. *Proof of Service by Mail* (form <u>GV-250</u>) 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, attend 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 order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms (guns), firearm parts, ammunition, or magazines 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 issued, the order will last for one year. If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you do not oppose the petition and are willing to give up your firearm rights, complete and file a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form <u>GV-125</u>).
- 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. Use *Request to Continue Court Hearing for Gun Violence Restraining Order* (form GV-115).



Re

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 <u>www.courts.ca.gov/forms</u> for *Disability Accommodation Request* (form <u>MC-410</u>). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

-Clerk's Certificate

I certify that this *Notice of Court Hearing* (form GV-109) is a true and correct copy of the original on file in the court.

Clerk's Certificate	Date:	
[seal]	Clerk, by	, Deputy
v. <mark>January 1, 2025</mark>	Notice of Court Hearing (Gun Violence Prevention)	GV-109 , Page 3 of 3
or your protection and privacy, please pro his Form button after you have printed th		Clear this form

GV-11	0 Temporary Gun Violence Restraining Order	Clerk stamps date here when form is filed.
	must complete items (1) and (2) only.	DRAFT
Petitione a. Your F	er ull Name or Name of Law Enforcement Agency:	2024-05-22 Not approved by
I am:	 A family member of the Respondent An officer of a law enforcement agency An employer of the Respondent 	the Judicial Council
	A coworker of the Respondent	Fill in court name and street address:
	 An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months A roommate of the Respondent. A memory who has a define relationship with the 	Superior Court of California, County
	A person who has a dating relationship with the Respondent.	
	A person who has a child in common with the	Court fills in case number when form is filed.
	Respondent.	Case Number:
b. Your L	awyer (if you have one for this case):	
Name:	State Bar No.:	
Firm N	State Bar No.:	If you do not have a lawyer and want t
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4) Findings

□ Having examined

 \Box Petitioner \Box and other witnesses under oath,

□ Having considered the declarations of □ Petitioner □ and other witnesses under penalty of perjury,

- a. The court finds that there is a substantial likelihood that both of the following are true:
 - (1) Respondent poses a significant danger in the near future of causing personal injury to themself or another person by having in their custody or control, owning, purchasing, possessing, or receiving firearms, firearm parts, ammunition, or magazines. 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).
 - (2) A temporary gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.
- b. The court has received credible information that Respondent owns or possesses one or more firearms, firearm parts, ammunition, or magazines.
- c.
 The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order. And for the reasons stated below.

 \Box See the attached *Attachment* (form <u>MC-025</u>).

5) No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, service will be free.

This is a Court Order.

Temporary Gun Violence Restraining Order (CLETS-TGV) (Gun Violence Prevention)

6) No Firearms (Guns), Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531);
- (3) Ammunition; and
- (4) Magazines (ammunition feeding devices).
- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over your prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item($\hat{\mathbf{3}}$) is in effect.
- d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form <u>GV-800</u>) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.

) <mark>No Body Armor</mark>

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

8 Number of pages attached to this Order, if any:

Date:

Judicial Officer

Warnings and Notices to the Respondent

To the restrained person: This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazines while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for a period between one and five years. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.

Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 6b, above, for a period of five years. This Order must be enforced by any law enforcement officer in the state of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.

After You Have Been Served With a Temporary Order

- Obey the order by turning in all firearms (guns), firearm parts, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read *How Can I Respond to a Petition for Gun Violence Restraining Order*? (form G<u>V-120-INFO</u>) to learn how to respond to this Order.
- If you do not oppose the petition, fill out *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form <u>GV-125</u>) and file it with the court clerk.
- If you disagree with the petition, fill out *Response to Petition for Gun Violence Restraining Order* (form <u>GV-120</u>) and file it with the court clerk.
- You must have form GV-120 served by mail on the Petitioner or the Petitioner's attorney. You cannot do this yourself. The person who does the mailing should complete and sign *Proof of Service by Mail* (form <u>GV-250</u>). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use *Declaration* (form MC-030) for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also attend the hearing. You and your witnesses may attend the hearing remotely (check with your court for instructions).
- At the hearing, the judge can make a gun violence restraining order against you that lasts between one to five years. Tell the judge why you disagree with the order requested.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 6b, above, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. You may use form <u>GV-200</u> for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition, or Magazines

The law enforcement agency that has received the surrendered prohibited items listed in item 6b, above, must do the following:

- Retain the prohibited items until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the prohibited items to the respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer; or
- The officer sees a filed copy of form GV-125.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it *(see above: Duties of Officer Serving This Order)*.

The provisions in this *Temporary Gun Violence Restraining Order* do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other another existing protective order remain in effect.

For your protection and pr This Form button after you	ivacy, please press the Cle I have printed the form.	ar <u>104</u> Print this form Save this form	Clear this form
	(CLETS	S-TGV) (Gun Violence Prevention)	
Rev. January 1, 2025	Temporary	Gun Violence Restraining Order	GV-110, Page 5 of 5
		This is a Court Order.	
	Date:	Clerk, by	, Deputy
Clerk's Certificate [seal]	•	(Clerk will fill out this part.) —Clerk's Certificate— <i>Temporary Gun Violence Restraining Order (CLET</i> a true and correct copy of the original on file in th	, ,
order remain in effect.			

GV-120 Response to Petition for Gun Violence Restraining Order	Clerk stamps date here when form is filed.	
 Use this form to respond to the Petition (form GV-100) Read How Can I Respond to a Petition for a Gun Violence Restraining Order? (form GV-120-INFO) to protect your rights. If you agree to the Petition for a gun violence restraining order filed again you, use Consent to Gun Violence Restraining Order and Surrender of Firearms (form GV-125) to agree to a voluntary gun violence restraining order. If you do not agree to the gun violence restraining order filed against you fill out this form and take it to the filing window at the court. Have someone age 18 or older—not you—mail a copy of this form and a attached pages to the Petitioner or to their lawyer. (Use Proof of Service & Mail (form GV-250).) 	DRAFT 2024-01-29 Not approved by the Judicial Council Fill in court name and street address: Superior Court of California, County of	
 Petitioner Name of person or law enforcement agency seeking order <i>(see form GV-100, item</i>): 	See Petition for case number and fill in:	
2 Respondent a. Your Name: Your Lawyer (if you have one for this case): Name: Firm Name:	Case Number:	
 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: 	repared to tell the court at the hearing why don't agree. Write your hearing date, time, place from form GV-109 item (3) here: Time: Date: Dept.: Temporary Gun Violence Restraining ler was issued, you must obey it until the ring. At the hearing, the court may make an er against you for one to five years.	

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 3—Reasons I Disagree" as a title. You may use Attachment (form <u>MC-025</u>).

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Penal Code, § 18170 et seq.

4) 🗌 Denial

I did not do anything described in item (6) of form GV-100.

5) 🗌 Justification or Excuse

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

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5—Justification or Excuse" as a title. You may use Attachment (form MC-025).

6) Firearms (Guns), Firearms Parts, Ammunition, and Magazines

If a *Temporary Gun Violence Restraining Order* (form GV-110) was issued, you cannot own or possess any firearms (guns), firearm parts, ammunition, or magazines. 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). (See item (6) of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency or officer, any of those items in your immediate possession or control within 24 hours of being served with form GV-110. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.

a. 🔲 I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.

- b. I have turned in my firearms (guns), firearm parts, ammunition, and magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt
 - \Box is attached. \Box has already been filed with the court.

No Body Armor

If you were served with form GV-110, *Temporary Gun Violence Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. 🔲 I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

7

	Case Number:
Number of pages attached to this form, if any:	
Date:	
Date:	

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

Date:

Type or print your name

Sign your name

Rev. January 1, 2025 Response to Petition for Gun Violence		GV-120, Page 3 of 3	
Restraining Order (Gun Violence Prevention)			
For your protection and privacy, please press the Clear This Form button after you have printed the form.	107 Print this form Save this form	Clear this form	

DRAFT 2024-01-25 Not approved by the Judicial Council How Can I Respond to a Petition for a Gun Violence Restraining Order?

What is a gun violence restraining order?

GV-120-INFO

It is a court order that temporarily prohibits someone from having any firearms (guns), firearm parts (also called "ghost guns"), ammunition, or magazines (any ammunition feeding device). 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). The person must turn in, sell, or store all such items that the person currently owns. The person also may not own, possess, or buy body armor. If they have body armor, they must relinquish it.

For more information about prohibited items and obeying these orders, please see <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

I've been served with a *Petition for Gun Violence Restraining Order*. What do I do?

Read the papers served on you very carefully. The *Notice* of *Court Hearing* (form GV-109) tells you when to appear in court. There may also be a *Temporary Gun Violence Restraining Order* (form GV-110) prohibiting you from having any firearms (guns), firearm parts, ammunition, or magazines and requiring you to turn in, sell, or store any such items that you currently own or possess. You must obey the order until the hearing.

Who can ask for a gun violence restraining order?

The petition must have been filed by a:

- Law enforcement officer or agency,
- An employer,
- A coworker who has had "regular interactions" with you for at least a year,
- A teacher or employee of a school that you have attended in the last 6 months,
- An immediate family member of yours,
- A roommate,
- Somebody in a dating relationship with you, or

• Somebody who shares a child with you. "Immediate family member" is defined to include people who are not blood relatives. The definition includes (1) your spouse or domestic partner; (2) you or your spouse's parents, children, siblings, grandparents, and grandchildren and their spouses, including any stepparent or stepgrandparent; and (3) you or your spouse's aunts, uncles, nieces, nephews, first and second cousins, greatgrandparents, and great-grandchildren if you have had substantial and regular interactions for at least a year.

What if I don't obey the temporary order?

The police can arrest you. You can go to jail and pay a fine. You could lose access to firearms and other items for a longer period of time.

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



If you disagree with the order that the Petitioner is asking for, fill out Response to Petition for Gun Violence Restraining Order (form $\underline{GV-120}$) before your hearing date and file it with the court. You can get the form from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find it at your local courthouse or county law library.

What if I don't oppose the Petition?

If you agree to give up your access to firearms and your rights to own, possess, and buy guns, firearm parts, ammunition, and magazines for the time period requested in the petition, which is between one and five years, then you can fill out Consent to Gun Violence Restraining Order and Surrender of Firearms (form <u>GV-125</u>) and check the box for item 4a. Make sure you take it to the court clerk and file it, and then mail it to the person or law enforcement agency that applied for the petition. The court will issue the gun violence restraining order before the hearing and remove the hearing from the calendar. You do not have to go to your court date, and the court will mail you a copy of the order. Make sure you court date.

Will I have to pay a filing fee?

No.

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

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

The person who serves the form by mail must fill out Proof of Service by Mail (form $\underline{GV-250}$). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

GV-120-INFO How Can I Respond to a Petition for a Gun Violence Restraining Order?

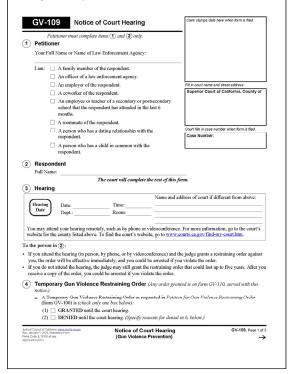
Do I need a lawyer?

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



Should I attend the court hearing?

Yes. You should attend the hearing on the date listed on *Notice of Court Hearing* (form GV-109). If you do not attend the hearing, the judge can extend the order against you for a period between one and five years without hearing from you.



You can attend the hearing remotely, such as by telephone or videoconference, or go to court in person. Check with your local court for instructions on how to appear remotely. Information is also available on the court's website, which you can find here: <u>www.courts.ca.gov/find-my-court.htm</u>.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/GV-restraining-order</u>.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide whether to issue a gun violence restraining order that can last for one to five years.

Will I see the person who asked for the order at the court hearing?

Assume that the person who is asking for the order will attend the hearing. It is probably best not to talk to them unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

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

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



What if I need help to understand English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

For help in your area, contact:

[Local information may be inserted.]

G	W-125	Consent to Gun Violence Restraining Order and Surrender of Firearms	Clerk stamps date here when form is filed.
Restrai	ining Order <i>(fori</i>	we been served with a Petition for Gun Violence m GV-100) and you want to agree to voluntarily ights without a court hearing.	DRAFT 5/22/2024 Not approved by
•	Fill out this for	rm and take it to the court clerk.	the Judicial Council
•	and any attache	age 18 or older— not you —mail a copy of this form ed pages to the Petitioner or to their lawyer. (Use <i>Proof</i> <i>Mail</i> (form <u>GV-250</u>).)	
•	• •	gree to a gun violence restraining order, use <i>Response</i>	Fill in court name and street address:
	to Petition for	<i>Gun Violence Restraining Order</i> (form <u>GV-120</u>) to tell ppose a gun violence restraining order.	Superior Court of California, County of
\bigcirc	Petitioner Name of person or	law enforcement agency seeking order (see form	
	GV-100, item 1):		See Petition for case number and fill in:
_			Case Number:
	Respondent . Your Name:		
		if you have one for this case): State Bar No.:	
b	If you do not ha private, you ma	(If you have a lawyer, give your lawyer's information. ave a lawyer and want to keep your home address ay give a different mailing address instead. You do not lephone, fax, or email.)	
	Address:		
	City:	State: Zip:	
		Fax:	
	Email Address:		

3) Gun Violence Restraining Order

- By checking this box and signing this form, I agree to give up my right to have in my custody or control, own, purchase, possess, or receive, or attempt to purchase or receive any firearms (guns), firearm parts, magazines, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year. 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). I also agree to give up my right to own, possess, or buy body armor (defined in Penal Code section 16288).
- I am not contesting the petition.
- I understand that the petitioner can request to renew this order for one to five years.
- I understand that I can only request to terminate this order once per year while it is in effect.

4) Firearms (Guns), Firearm Parts, Ammunition, and Magazines

- After you file this form, the court will issue a *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) and send it to you and the petitioner in the mail.
- This form will be listed in the statewide California Restraining and Protective Order System, where it will be accessible to all law enforcement.
- You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive any firearms (guns), firearm parts, ammunition, or magazines. 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). You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, those items in your immediate possession or control within 48 hours of filing this form. You must file a receipt with the court. You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form GV-800) for the receipt.
- a. 🗌 I do not own or control any firearms (guns), firearm parts, ammunition, or magazines.
- b. I have turned in my firearms (guns), firearm parts, ammunition, and magazines to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt is attached. has already been filed with the court.

5) No Body Armor

After you file this form and the court issues a *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) and sends it to you, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

a. 🔲 I do not own or have any body armor.

- **b.** I have relinquished all body armor that I have in my possession.
- c. I have or will ask for an exception to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)

Date:

Rev.

Lawyer's name (if any)

Lawyer's signature

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

lanuary 1, 2025	Consent to Gun Violence Surrender o (Gun Violence)	f Firearms	GV-125, Page 2 of <mark>5</mark>
	Type or print your name	Sign your no	ame
		•	
Date:			

Instructions to Clerk

- On the filing of *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125), submit the proposed order, *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) to the judicial officer, because the court must issue the order at least five court days before the scheduled hearing, or if this form is filed within five court days before the scheduled hearing, the gun violence restraining order, as soon as possible.
- Within one business day of issuance of the order, submit this form directly into the California Restraining and Protective Order System (CARPOS) or to law enforcement to enter into CARPOS within one business day of receipt from the court.

	Gun Violence Re Surrender of Fin (Gun Violence Pre		d GV-125, Page 3 of 3
For your protection and privacy, please press the Clear This Form button after you have printed the form.	112 Print this form	Save this form	Clear this form

GV-130 Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order	
Petitioner must complete items (1) and (2) only.	DRAFT
Petitioner	2024-01-25
a. Your Full Name or Name of Law Enforcement Agency:	Not approved by the Judicial Council
I am: A family member of the Respondent.	
An officer of a law enforcement agency (A petition may be filed in the name of the law enforcement agency in which the officer is employed).	Fill in court name and street address: Superior Court of California, County
An employer of the Respondent.	Superior Court of Camornia, County
A coworker of the Respondent.	
An employee or teacher of a secondary or postsecondary school that the Respondent has attended in the last 6 months.	
☐ A roommate of the Respondent.	Court fills in case number when form is filed.
A person who has a dating relationship with the Respondent.	Case Number:
\square A person who has a child in common with the Respondent.	
b. Your Lawyer (if you have one for this case):	<u> </u>
Name: State	e Bar No.:
Firm Name:	
c. Your Address (<i>If you have a lawyer, give your lawyer's information. If keep your home address private, you may give a different mailing addr telephone, fax, or email. Law enforcement officer, give agency informa Address:</i>	ess instead. You do not have to give
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keep your home address private, you may give a different mailing address telephone, fax, or email. Law enforcement officer, give agency informated Address: City: Email Address: City: State: Cive all the information you know. Information with a star (*) is required police database. If age is unknown, give an estimate.) *Full Name: *Race: Height: Weight: Hain *Gender: M F Nonbinary Home Address: City: State: The court will complete the rest of this for Expiration Date This Order expires at:	ess instead. You do not have to give tion.) Telephone: Fax: To add this order to the California To Date of Birth: To Color: To Date of Birth: To Date of Birth: To Color: To Date of Birth: To Date of Birth: To Color: To Date of Birth: To Color: To Date of Birth: To Date of Birth: To Color: To Date of Birth: To Color: To Date of Birth: To D
keep your home address private, you may give a different mailing address telephone, fax, or email. Law enforcement officer, give agency informated Address: City:	ess instead. You do not have to give tion.) Telephone: Fax: Date of Birth: Color: Zip: Zip: Anno.
keep your home address private, you may give a different mailing addr telephone, fax, or email. Law enforcement officer, give agency informat Address: City: Email Address: Respondent (Give all the information you know. Information with a star (*) is required police database. If age is unknown, give an estimate.) *Full Name: *Age: *Race: Height: Weight: Hain: *Age: *Race: Height: Weight: Hain: *Gender: * Monbinary Home Address: City: Expiration Date The court will complete the rest of this for this Order expires at: If no expiration date is written here, this Order expires one year from the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is written here, this Order expires one year from the definition of the is of the is of the is of the rest of the definition of the is of the rest of the definition of the is of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of the is written here, this Order expires one year from the definition of the is of the rest of the definition of the is of the rest of the definition of the is of the rest of the definition of 	ess instead. You do not have to give tion.) Telephone: Fax: To add this order to the California Date of Birth: Date of Birth: Color: Zip: Zip: Trm. Color:

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		Case Number:
4)	Hearing	
	a. There was a hearing <i>(date)</i> :at <i>(time)</i> :	
	(Name of judicial officer):	made the orders at the hearing.
	 b. These people attended the hearing. (1) The Patitioner (2) The lawyour for the Patitioner 	(n ann a) .
	 (1) The Petitioner (2) The Respondent (3) The lawyer for the Petitioner (4) The lawyer for the Respondent 	
	c. There was not a hearing because Respondent filed a <i>Consent to Surrender of Firearms</i> (form GV-125).	Gun Violence Restraining Order and
5	Findings	
\bigcirc	a. The court finds by clear and convincing evidence that the following	g are true:
	 Respondent poses a significant danger of causing personal injutility their custody or control, owning, purchasing, possessing, or reor magazines. This includes firearm receivers and frames, and into a receiver or frame (see Penal Code section 16531). 	ecceiving firearms, firearm parts, ammunition, any item that may be used as or easily turned
	(2) A gun violence restraining order is necessary to prevent person because less restrictive alternatives either have been tried and determined to be inadequate or inappropriate for the current circular	found to be ineffective, or have been
	b. The court has received credible information that the Responder firearm parts, ammunition, or one or more magazines.	nt owns or possesses one or more firearms,
	c.	· · · ·
	See the attached <i>Attachment</i> (form MC-025).	
	 d. The Respondent filed Consent to Gun Violence Restraining Ord GV-125). The court finds that Respondent agreed not to have in purchase, possess, or receive a firearm, firearm part, ammunition receive those items until: (expiration date) 	n Respondent's custody or control, own,

This is a Court Order.

6) No Fee to Serve

If the sheriff or marshal serves this order, service will be free.

7

No Firearms (Guns), Firearm Parts, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any prohibited items listed below in b.

b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531);
- (3) Ammunition; and
- (4) Magazines (ammunition feeding devices).
- c. You must surrender (turn in, sell, or store) all prohibited items in your custody or control or that you possess or own. If a law enforcement officer asks you to turn over your prohibited items, you must do so immediately. If no request is made by a law enforcement officer, you must surrender all prohibited items within 24 hours of being served with this Order. You may surrender these items by turning them in to law enforcement, selling them to a licensed gun dealer, or storing them with a licensed gun dealer for as long as this Order is in effect.
- d. Within 48 hours of receiving this Order, you must file a receipt with the court that proves that all your prohibited items have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, Ammunition, and Magazines* (form <u>GV-800</u>) for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.

8) No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

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Service of Order on Respondent

- a. The Respondent was present in court, either physically or remotely (by telephone or videoconference), at the time the order was issued. No other proof of service is needed. The clerk has provided the Respondent with a blank copy of *Request to Terminate Gun Violence Restraining Order* (form GV-600).
- b. The Respondent was not present in court at the time the order was issued. The Respondent must be personally served with a court file-stamped copy of this Order and a blank copy of *Request to Terminate Gun Violence Restraining Order* (form <u>GV-600</u>) by a law enforcement officer or someone age 18 or older, **and not a party to the action.**

10 Number of pages attached to this Order, if any:

Date:

Judicial Officer

This is a Court Order.

Rev. January 1, 2025

Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order (CLETS-OGV) (Gun Violence Prevention)

GV-130, Page 3 of 5

Warnings and Notices to the Respondent

To the restrained person: This Order is valid until the expiration date and time noted on page 1. If you have not done so already, you must surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code. You may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive a firearm, ammunition, or magazine, while this Order is in effect. Pursuant to section 18185, you have the right to request a hearing on an annual basis to terminate this Order during its effective period. You may seek the advice of an attorney as to any matter connected with the order.

Violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.) If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, any prohibited items listed in item 7b, above, for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be terminated only by an order of the court.

Instructions for Law Enforcement

Duties of Officer Serving This Order

The officer who serves this order on the Restrained Person must do the following:

- Ask if the Restrained Person is in possession of any of the prohibited items listed in item 7b, above, or has custody or control of any that they have not already turned in.
- Order the Restrained Person to immediately surrender to you all prohibited items.
- Issue a receipt to the Restrained Person for all prohibited items that have been surrendered.
- Complete a proof of personal service and file it with the court. The officer may use form <u>GV-200</u> for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer's name and law enforcement agency.

Duties of Agency on Surrender of Firearms, Firearm Parts, Ammunition and Magazines

The law enforcement agency that has received surrendered prohibited items listed in item 7b, above, must do the following:

- Retain the prohibited items until the expiration of this order or of any other gun violence restraining order issued by the court.
- On the expiration of this order or of any later gun violence restraining order issued by the court, return the prohibited items to the Respondent as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850). Section 34000 provides for the sale or destruction of any unclaimed items.
- If someone other than the Respondent claims title to any of the prohibited items surrendered, determine whether that person is the lawful owner. If so, return the prohibited items to that person as provided by chapter 2 of division 11 of title 4 of the Penal Code (commencing with section 33850).



Instructions for Law Enforcement

(continued)

Enforcing This Order

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent "served" (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The respondent was informed of the order by an officer.
- Item 8a or 8c is checked.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it *(see above: Duties of Officer Serving This Order)*.

The provisions in this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order* (form GV-130) do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in any other existing protective order remain in effect.

Instructions to Clerk

This order must be served on all parties by the court, if it is made following the filing of a *Consent to Gun Violence Restraining Order and Surrender of Firearms* (form GV-125).

(Clerk will fill out this part.)

-Clerk's Certificate

Clerk's Certificate [seal] I certify that this *Gun Violence Restraining Order After Hearing or Consent to Gun Violence Restraining Order (CLETS-OGV)* (form GV-130) is a true and correct copy of the original on file in the court.

Date: Clerk, by _____, Deputy

This is a Court Order.				
Consent to	Restraining Ord Gun Violence Re OGV) (Gun Violenc	estraining Orde		
For your protection and privacy, please press the Clear This Form button after you have printed the form.	117 Print this form	Save this form	Clear this form	

	GV-7	10		[:] Hearing on Req ence Restraining		Clerk stamps date here when form is filed.
etiti	<mark>oner</mark> com Petitio		ms (1) and (2)). Court completes iter	ns (3) and (4).	DRAFT 2024-06-10
			ne or Name of	f Law Enforcement A	gency:	Not approved by the Judicial Council
	I am		n officer of a	per of the Respondent law enforcement agen e of the law enforcem	ncy (a petition m	-
			e officer is en	• •		Fill in court name and street address:
				f the Respondent.		Superior Court of California, County of
		A	coworker of	the Respondent.		
			- ·	r teacher of a seconda	• •	-
		sc	hool that the	Respondent attended	in the last 6 mon	nths.
		□ A	roommate of	the Respondent.		
			•	has a dating relations	ip with the	Fill in case number:
			espondent.			Case Number:
			-	has a child in common	n with the	
	V		espondent.			
		Your Lawyer (if you have one for this case): Name:				
		e: Name:		State	Bar No.:	
	<i>telepi</i> Addr	<i>hone, fax,</i> ess:	or email. La	w enforcement officer	, give agency inf	
	City:			State:	Zip:	Fax:
	Telep	hone:		Email:		
?)	Respo	ndent				
/	Full Nam	ne:				
	Address	(if known				
						:Zip:
3)	Court H	Hearing		ng date. <i>Court will fill</i>		
	The o	current r	estraining or	der stays in effect.		
		_	-	T .		and address of court if different from above:
	Heari	ing 🗲 Da	ate:	1 ime:		
		e D	ept.:	Room:		
	Dat					
	You may	attend ye	our hearing re	emotely, such as by pl	one or videocor	nference. For more information, go to the te, go to <u>www.courts.ca.gov/find-my-court.</u>

GV-710, Page 1 of 2

To the Petitioner:

(4)	Service	on	Respondent
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Someone age 18 or older—**not you**—must serve a copy of the following forms on the Respondent:

- *Request to Renew Gun Violence Restraining Order* (form GV-700);
- Notice of Hearing on Request to Renew Gun Violence Restraining Order (form GV-710) (this form);
- Response to Request to Renew Gun Violence Restraining Order (form GV-720) (blank copy);
- a. The forms must be personally served on the Respondent days before the hearing.
- b. The forms may be served by mail on the Respondent or the Respondent's lawyer days before the hearing.

Date:

Judicial Officer

To the Respondent:

At the hearing, the judge can renew the current restraining order for between one and five years. You must continue to obey the current restraining order. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* continue to obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out *Response to Request* to Renew Gun Violence Restraining Order (form GV-720). File the original with the court before the hearing and have someone age 18 or older—not you—mail a copy of it to the Petitioner at the address in (1) at least days before the hearing. Also file *Proof of Service by Mail* (form GV-250) with the court before the hearing or bring it with you to the hearing.



Requests 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 proceeding. Contact the clerk's office or go to www.courts.ca.gov/formsfor Disability Accommodation Request (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate [seal]

I certify that this Notice of Hearing on Request to Renew Gun Violence Restraining Order (form GV-710) is a true and correct copy of the original on file in the court.

Date:

Clerk, by _____, Deputy

Rev. January 1, 2025 Notice of H	GV-710, Page 2 of 2		
Gun Vi	olence Restrain	ing Order	
(G	un Violence Preve	ntion)	
For your protection and privacy, please press the Clear	119		
This Form button after you have printed the form.	Print this form	Save this form	Clear this form

Petition for Private Postsecondary Clerk stamps date here when form is filed. SV-100 School Violence Restraining Orders Read How do I Get a Private Postsecondary School Violence Restraining DRAFT Order? (form SV-100-INFO) before completing this form. Also fill out 2024-01-25 Confidential CLETS Information (form CLETS-001) with as much Not approved by information as you know. the Judicial Council Petitioner (Educational Institution Officer or Employee) 1) is a. Name: Fill in court name and street address: the chief administrative officer Superior Court of California, County of an officer or employee designated by the chief administrative officer to maintain order on the campus or facility of (name of private postsecondary educational institution): and is filing this petition on behalf of the student in (2). b. Lawyer for Petitioner *(if any for this case)* Court fills in case number when form is filed. Name: _____ State Bar No.: _____ Case Number: Firm Name: c. Petitioner's Address (*If the petitioner has a lawyer, give the lawyer's information.*) Address: City: _____ State: ___ Zip: _____ Fax: Telephone: Email Address: Student in Need of Protection 2) Full Name: Gender: M F Nonbinary Age: **Respondent (Person From Whom Protection Is Sought)** 3)
 Full Name:
 Age:
 Address (if known): City: _____ State: ____ Zip: ____ Additional Protected Persons a. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection? \Box Yes \Box No *(If yes, list them):* Full Name Gender Age Household Member? Relationship to Student _____ Yes ___ No _____ Yes ___ No _____ _____ Yes ___ No Additional protected persons are listed in Attachment 4a. This is not a Court Order.

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9 Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention) 120 SV-100, Page 1 of 6

			Case Number:
4	b.	Why do these people need protection? (Explain	<i>tin):</i>
5		elationship of Student and Responden How does the student know the respondent? (D	
	b.	Respondent is is not a current stude expel, or otherwise discipline the respondent):	Audent of petitioner's institution. <i>(Explain any decision to retain,):</i> Response is stated in Attachment 5b.
6		 enue hy are you filing in this county? (Check all that The respondent lives in this county. The respondent has caused physical or emodel Other (specify): 	
7		ther Court Cases	
	a.		in (4) been involved in another court case with the respondent? f case and indicate where and when each was filed): Filed in (County/State) Year Filed Case Number (if known)

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

This is not a Court Order.

SV-100, Page 2 of 6

8) Description of Respondent's Conduct

- a. Respondent has (check one or more):
 - (1) \square Assaulted, battered, or stalked the student.
- b. One or more of these acts were made off the school campus or facility and can reasonably be understood *(check either or both):*
 - (1) \Box To have been carried out at the school campus or facility.
 - (2) \Box To be carried out in the future at the school campus or facility.

Address of campus or facility:

- c. Describe what happened. (*Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses):*
 - Response is stated in Attachment 8c.

d. Was the student harmed or injured? □ Yes □ No (If yes, describe harm or injuries):
□ Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? Response is stated in Attachment 8e.

This is not a Court Order.

Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention) 122 SV-100, Page 3 of 6

Rev. January 1, 2025

Case	Number:
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(7) \Box The place of child care of the student's children.

(8) \Box The student's vehicle.

(9) \Box Other *(specify)*:

8	f.	For any of the incidents described above, did the police come? 🗌 Yes 🗌 No 🗌 I don't know
\bigcirc		If yes, did the student or the respondent receive an Emergency Protective Order?
		☐ Yes ☐ No ☐ I don't know
		If yes, the order protects (check all that apply):
		\Box the student. \Box the respondent. \Box one or more of the persons in (4).
		(Attach a copy of the order if you have one.)
Che	ck	the orders you want. 🗹
9	Pe	ersonal Conduct Orders
		isk the court to order the respondent not to do any of the following things to the student or to any person to be otected listed in (4) :
	a.	Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
	b.	☐ Make threats of violence against the person.
	c.	Follow or stalk the person during school hours or to or from the school campus or facility.
	d.	□ Contact the person, either directly or indirectly, by any means, 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.
	e.	Enter the person's school campus or facility.
	f.	 Other (specify): As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

(10)

a. I ask the court to order the respondent to stay at least yards aw	way from (check all that apply):
--	----------------------------------

(1) \Box The student.

Stay-Away Order

- (2) \Box The other persons listed in 4.
- (3) \Box The school.
- (4) \Box The student's home.
- (5) \Box The student's job or workplace.
- (6) \Box The school of the student's children.

This is not a Court Order.

SV-100, Page 4 of 6



b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (If no, explain):
Response is stated on Attachment 10b.

11) Firearm (Guns), Firearm Parts, and Ammunition

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? 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). Yes No I don't know
If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within their immediate possession or control. If an order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

12) 🔲 Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the respondent to last until the hearing. I am presenting form SV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the respondent been told that you were going to go to court to seek a TRO against him or her?

☐ Yes ☐ No *(If you answered no, explain why below):*

Reasons are stated in Attachment 12.

□ Request for Less Than Five Days' Notice of Hearing

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form SV-200-INFO explains what is proof of personal service. Form <u>SV-200</u>, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

Reasons are stated in Attachment 13.

This is not a Court Order.

13)

SV-100, Page 5 of 6



(14)		No Fee for Filing			
		I ask that there be no filing fee because the student, or acted or spoken in a manner that	·	<u> </u>	
15		No Fee to Serve Orders I ask the court to order the sheriff or marsha for orders is based on a credible threat of vi			free because this request
16		Court Costs I ask the court to order the respondent to pa	y my court costs		
(17)		Additional Orders Requested			
\bigcirc		I ask the court to make the following addition	onal orders (spec	ify):	
		Additional orders requested are stated in	n Attachment 17.		
(18)	Nı	umber of pages attached to this form, if any:			
\bigcirc	Da	ite:			
				•	
	<u> </u>	Lawyer's name (if any)		Lawyer's si	gnature
		leclare under penalty of perjury under the lav attachments is true and correct.	vs of the State of	California that the informat	tion above and on
		ite:			
	21				
		Name of petitioner	Z	Signati	ure
		Title			
	Ιc	onsent to the filing of the Petition.			
		ite:			
	<u> </u>	Name of student		Signati	ure
		-		C C	
		This is	not a Court	Order.	
Rev. <mark>Ja</mark>	nuary		Private Post	-	SV-100, Page 6 of 6
		School Viol (Private Postsecon	ence Restrain		
		protection and privacy, please press the Clear	$\frac{125}{125}$	Save this form	Clear this form
	.	F Contractor printed and forming	The uns torm		

DRAFT 2024-01-25

Not approved by the Judicial Council

How Do I Get an Order to Prohibit Private Postsecondary SV-100-INFO **School Violence?**

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a private postsecondary school violence protection order?

Under California law (Code Civ. Proc., § 527.85), courts can make orders to protect a student from being subjected to credible threats of violence that could be carried out on the school campus or facility. The procedure is only available with regard to students at private postsecondary institutions.

The court can order a person not to:

- Harass or threaten the student;
- Contact or go near the student; and
- Have any firearms (guns), firearm parts, ammunition, or body armor. 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). For more information about the items a restrained person cannot have, please see selfhelp.courts.ca.gov/ restraining-orders/prohibited-items.

These orders will be enforced by law enforcement agencies.

Who can get this school violence protection order?

The chief administrative officer of a private postsecondary educational institution, or an officer or employee designated by the chief administrative officer to maintain order on the school campus or facility, may request court orders prohibiting credible threats of violence against a student. These orders must be requested by an officer of the institution that the student attends or is applying to.

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

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders themselves. If anyone other than a school officer wishes to apply to the court for an order prohibiting harassment, see Can a Civil Harassment Restraining Order Help Me? (form <u>CH-100-INFO</u>.

Judicial Council of California, www.courts.ca.gov Rev. January 1, 2025, Optional Form Code of Civil Procedure, § 527.85

How Do I Get an Order to Prohibit Private **Postsecondary School Violence?** (Private Postsecondary School Violence Prevention)

Who can be protected under this law?

Under this statute, the school officer can obtain a court order on behalf of a student that lasts up to three years. The order can also protect family or household members of the student and other students at the campus or facility who are similarly situated.

- A "student" is an adult currently enrolled in or applying for admission to a private postsecondary educational institution.
- ٠ The "respondent" is the person against whom the school official is requesting the protective order.

A school official may seek protection under this law if:

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

What forms must be used to get the order?

A school official may seek protection under this law if:

- 1. Petition for Private Postsecondary School Violence *Restraining Orders* (Petition) (form <u>SV-100</u>). This form tells the judge the facts of the case and what orders the petitioner and student want the court to make.
- 2. Confidential CLETS Information(form CLETS-001). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
- 3. Notice of Court Hearing (form <u>SV-109</u>). This form tells the parties when the hearing on the petition will be held.
- 4. *Temporary Restraining Order* (**TRO**) (form <u>SV-110</u>). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.

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SV-100-INFO How Do I Get an Order to Prohibit Private Postsecondary School Violence?

5. Private Postsecondary School Violence Restraining Order After Hearing (Order) (form <u>SV-130</u>). This form is signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the school violence prevention proceeding.

6. *Proof of Personal Service* (form <u>SV-200</u>). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

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

What steps are needed to get the court orders?

- 1. Fill in the **Petition** (form SV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form SV-109). If you are seeking a **TRO**, also fill out form SV-110.
- If you are seeking orders based on information from your student and others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form SV-100). You may use form <u>MC-031</u>, *Attached Declaration*.
- Fill in *Confidential CLETS Information* (form <u>CLETS-001</u>) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.

4. If you are applying for a TRO, fill out form SV-110 completely. The petition and declarations must give the details of the credible threats of violence and the problems they have caused your student.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and
- b. You or your attorney certifies one of the following to the court under oath:
 - That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
- 5. Take your original completed forms and copies to the clerk's office at the court. You will need at least three copies: one for you, one for the student, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the TRO. A protected person will need a copy of the TRO if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form SV-109).
- 6. If you are seeking a TRO (form SV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.

SV-100-INFO How Do I Get an Order to Prohibit Private Postsecondary School Violence?

7. If a TRO has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the TRO to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

If the court issues a TRO, it will last until the hearing date.

- If the student does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)* or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/request-interpreter</u>.
- 9. Have the respondent personally served with copies of the Petition (form SV-100), the Notice of Court Hearing (form SV-109), the TRO (form SV-110) (if issued), a blank Response (form <u>SV-120</u>), and a blank Proof of Service of Response by Mail (form <u>SV-250</u>). You cannot serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for form <u>SV-200-INFO</u>, What Is "Proof of Personal Service"?

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10.After the respondent has been personally served, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form <u>SV-200</u>). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

11.Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form SV-109).You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form <u>MC-030</u>, *Declaration*.)

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

Petitioner (Edu		
a. Name:	cational Institution Officer or Emplo	yee)
Lawyer for Peti	itioner (if any for this case):	
Name:	State Bar No.:	
Firm Name:		
b. Address (If you	have a lawyer, give your lawyer's information	.): Fill in court name and street address:
Address:		Fill in court name and street address: Superior Court of California, County of
City:	State: Zip:	
Telephone:	Fax:	
Email Address:		
\[
/	ed of Protection	Fill in case number:
Full Name:		Case Number.
Respondent (P	Person From Whom Protection Is Sou	(abt)
Full Name:		.9,
	is scheduled on the request for restrain	
	1 301110	and address of court if different from above:
(Hearing) > Dat	te: Time:	
Dete	te: Time:	e and address of court if different from above:
	te: Time:	
Date Dep o the person in (3): If you attend the hearing	te: Time: t.: Room:) and the judge grants a restraining order against
Date Dep o the person in (3): If you attend the hearing you, the order will be If you do not attend the	le: Time: t.: Room: mg (in person, by phone, or by videoconference) and the judge grants a restraining order against at if you violate the order. ing order that could last up to five years. After
Date Dep o the person in (3): If you attend the hearin you, the order will be If you do not attend th you receive a copy of	te: Time:	 and the judge grants a restraining order against at if you violate the order. ing order that could last up to five years. After he order.
Date Dep Dep Dep Dep Dep Dep Dep Dep Dep Dep	le: Time:	c) and the judge grants a restraining order against di fy ou violate the order. ing order that could last up to five years. After he order. <i>m form SV-110, served with this notice.</i>) way orders as requested in form SV-100,
Date Dep Date Dep Date Dep Date Dep Date Dep Date Dep Date Dep Date Dep Date Dep Dep Date Dep Date Dep Dep Dep Dep Dep Dep Dep Dep Dep Dep	te: Time:	c) and the judge grants a restraining order against di fy ou violate the order. ing order that could last up to five years. After he order. <i>m form SV-110, served with this notice.</i>) way orders as requested in form SV-100,
Date Dep Deptember 2015 Deptember 2015 Deptem 2015 Deptember 2015 Deptember 2015 Deptember 2015 D	te: Time:)) and the judge grants a restraining order against at if you violate the order. ing order that could last up to five years. After he order. <i>m form SV-110, served with this notice.</i>) way orders as requested in form SV-100, g Orders, are (check only one box below):
Date Dep Dep Dep Dep Dep Dep Dep Dep	te: Time:)) and the judge grants a restraining order against ed if you violate the order. ing order that could last up to five years. After the order. <i>m form SV-110, served with this notice.</i>) way orders as requested in form SV-100, g Orders, are (check only one box below):

SV-100-INFO, Page 3 of 4

SV-100-INFO How Do I Get an Order to Prohibit Private Postsecondary School Violence?

- 12.If the judge signs the **Order** (form SV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13.If the respondent attended the hearing and heard the terms of the Order from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the Order issued is the same as the TRO (except for the termination date), the Order may be served on the respondent by mail. File form SV-260, *Proof of Service of Order After Hearing by Mail.* If the respondent did not attend the hearing and the Order differs from the TRO, arrange to have him or her personally served with a copy of the Order. File the completed *Proof of Personal Service* (form SV-200) with the court. Give a file-stamped copy of the Order and proof of service to your student and to each other protected person. Keep at least one copy for yourself.
- 14.Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.
- 15.If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

Information about the process is also available online.

See <u>selfhelp.courts.ca.gov/SV-restraining-order</u>.

For help in your area, contact:

[Local information may be inserted.]

ed.
nty of

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:

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

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) \square All **GRANTED** until the court hearing.
 - (2) All **DENIED** until the court hearing. *(Specify reasons for denial in b, below.)*
 - (3) Dearthy **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

Judic	ial Council of Ca	lifornia, <u>www.courts.ca.gov</u>		
Rev.	January 1, 2025,	Mandatory Form		
Code of Civil Procedure, § 527.85				
Appr	oved by DOJ			

b.	Reasons that Temporary Restraining Orders as requested in form SV-100, <i>Petition for Private Postsecondary School Violence Restraining Orders,</i> for personal conduct or stay-away are denied are:
	(1) \Box The facts as stated in form SV-100 do not sufficiently show reasonable proof that the student has

- (1) I he 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) \Box Other *(specify):* \Box 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 giv	ve (serve) a court file-stamped copy of this form SV-109, Notice of Court Hearing,
to the respondent along with a c	opy 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. <u>SV-120</u>, Response to Petition for Private Postsecondary School Violence Restraining Orders (blank form)
- d. <u>SV-120-INFO</u>, 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 S<u>V-200</u>, *Proof of Personal Service*, may be used.
- For information about service, read form <u>SV-200-INFO</u>, 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 <u>SV-115-INFO</u>, *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 an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- 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:

, Deputy Clerk, by

Rev. January 1, 2025 Notice of Court Hearing (Private Postsecondary School Violence Prevention)					
For your protection and privacy, please press the Clear This Form button after you have printed the form. Print this form Save this form Clear 132					

SV-110 Tem			Clerk stamps date here when form is filed.
	porary Restraining Order		
Petitioner (Education	nal Institution Officer or Emplo	oyee)	
a. Name:			DRAFT 2024-01-25
Lawyer for Petitioner ((if any, for this case):		Not approved by
Name:	State Bar No.:		the Judicial Council
Firm Name:			
b. Your Address (If you have	ave a lawyer, give your lawyer's infor	mation.):	
Address:			Fill in court name and street address:
	State: Zip:		Superior Court of California, County of
Telephone:	Fax:		
Email Address:			
Student (Protected P Full Name:	Person)		
			Court fills in case number when form is filed.
Respondent (Restrai	I ned Person) You know. Information with a star (*) i.	s required	Case Number:
	lifornia police database. If age is unki		
give an estimate.)			
*Full Name:		*Age:	Date of Birth:
*Race:	Height: Weight:	Hair	Color: Eye Color:
	Height: Weight: Nonbinary Home Address:		Color: Eye Color:
*Gender: M F			
*Gender: M F City: Relationship to Protected	Nonbinary Home Address: State:		
*Gender: M F City: Relationship to Protected	Nonbinary Home Address: State: Herson: ted Persons the following family or household men below:	Zip:	her students are protected by the
*Gender: M F City: Relationship to Protected Additional Protect In addition to the student, to temporary orders indicated	Nonbinary Home Address: State: Herson: ted Persons the following family or household men below:	Zip:	her students are protected by the
*Gender: M F City: Relationship to Protected Additional Protect In addition to the student, to temporary orders indicated	Nonbinary Home Address: State: Herson: ted Persons the following family or household men below:	Zip:	ther students are protected by the Member? <u>Relation to Student</u>

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9 Approved by DOJ

Temporary Restraining Order (CLETS-TSV) (Private Postsecondary School Violence Prevention)

Case Number:

To the Person in 2 :

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

6 Personal Conduct Orders Not Requested Denied Until the	e Hearing 🔲 Granted as Follows:
a. You are ordered not to do the following things to and to the other protected persons listed in	
(1) Harass, molest, strike, assault (sexually or disturb the peace of the person.	or otherwise), batter, abuse, destroy personal property of, or
 (2) Commit acts of violence or make threats (3) Follow or stalk the person during school 	
(4) \Box Contact the person, either directly or ind	irectly, in any way, including, but not limited to, in person, by e mail, by email, by fax, or by other electronic means.
 (5) Enter the person's school. (6) Take any action to obtain the person's action to action the person the person to action the person to action the person to action the person the person to action t	ldress or locations. If this item is not checked, the court has
found good cause not to make this order.	
 (7) Other <i>(specify):</i> Other personal conduct orders are att 	ached at the end of this Order on Attachment 6a(7).
	occess server or other person for service of legal papers related is order. However, you may have your papers served by mail
7 Stay-Away Order	
Not Requested	Hearing 🛛 Granted as Follows:
a. You must stay at least yards away	from <i>(check all that apply):</i>
(1) \square The student	(7) \Box The student's children's place of child care
(2) \Box Each other protected person listed in (4)	(8) The student's vehicle
(3) \Box The school	(9) \Box Other (specify):
(4) \Box The student's home	
(5) \Box The student's job or workplace	
(6) \Box 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.

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 in b.

b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.
- c. You must:
 - (1) 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.
 - (2) 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 <u>SV-800</u>) for the receipt.)
- d. 🗌 The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

Other Orders

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

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

To the Person in **1** :

1 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. \Box 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.

11	c. 🗌	By the close of business on the date that the deliver a copy of the Order and its proof-o enter into CARPOS:		· · ·
		Name of Law Enforcement Agency	Ac	ddress (City, State, Zip)
		Additional law enforcement agencies	are listed at the end of this	s Order on Attachment 11.
12		The Determinant Serve (Notify) Restrained Pe The order with a serve this Order witho The Order is based on a credible threat of The petitioner is entitled to a fee waiver.	ut charge because:	ed 🛛 Not Ordered
13	Numb	er of pages attached to this Order, if any:		
	Date:			

Judicial Officer

Warnings and Notices to the Restrained Person in 3

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

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 item (8) above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form SV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

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



After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form <u>SV-120-INFO</u>, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form <u>SV-120</u>, *Response to Petition for Private Postsecondary School Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form SV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form SV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at <u>www.courts.ca.gov/forms</u>. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item 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 order can be changed only by another court order. (Pen. Code, § 13710(b).)

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(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 will fill out this part.)

-Clerk's Certificate

Clerk's Certificate [seal] I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date:______, Deputy

	•	er (CLETS-TSV		of 6
(Private Postsec For your protection and privacy, please press the Clear	condary School Vi 138	olence Prevention)	
This Form button after you have printed the form.	Print this form	Save this form	Clear this form	n

SV-120 Response to Petition for Pri Postsecondary School Viole Restraining Orders	ence
 Use this form to respond to the Petition (form SV-100) Read How Can I Respond to a Petition for Private Postsecondary, Violence Restraining Orders? (form SV-120-INFO) to protect yo 	School Not approved by
• Fill out this form and take it to the court clerk.	
• Have someone age 18 or older—not you—serve the petitioner or	the
petitioner's lawyer by mail with a copy of this form and any attac (Use form <u>SV-250</u> , Proof of Service of Response by Mail.)	
1 Petitioner (Educational Institution Officer or Emp Name:	ployee)
2 Student Seeking Protection Full Name:	
	Fill in case number:
3 Respondent (Person From Whom Protection Is \$ a. Your Name: Your Lawyer (if you have one for this case) Name: State Bar No. Firm Name: State Bar No.	
b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.) Address:	<i>t</i> The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-109, item (4) here:
City: State:Zip:	— Hearing → Date: Time:
Telephone: Fax:	Date Dept.: Room:
Email Address:	If you were served with a Temporary
 Personal Conduct Orders a. I agree to the orders requested. 	Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.
 b. I do not agree to the orders requested. (Specify why you disagree in item 12 on page 4.) c. I agree to the following orders (specify below or in item 	m (12) on page (4):
5	
a. I agree to the orders requested.	
b. I do not agree to the orders requested. (Specify why you	
c. I agree to the following orders (specify below or in iten	n 📭 on page 4).

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.85 and 527.9 Response to Petition for Private Postsecondary School Violence Restraining Orders (Private Postsecondary School Violence Prevention)

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SV-120, Page 1 of 5

6) 🔲 Additional Protected Persons

- a. \Box I agree that the persons listed in item (4) of the Petition may be protected by the order requested.
- b. \Box I do not agree that the persons listed in item (4) of the Petition may be protected by the order requested.

7) Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form SV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. 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). (See item (8) of form SV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearms parts in your immediate possession or control within 24 hours of being served with form SV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form SV-800) for the receipt.

- a. 🗌 I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
 - Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form <u>MC-025</u>, Attachment.
- c. I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt \Box is attached.	has already been filed with the court.
---	--

8) No Body Armor

If you were served with form SV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)



9	□ a.	her Orders I agree to the orders requested.
	b.	I do not agree to the orders requested. (Specify why you disagree in item (12) on page $(4,)$
	c.	I agree to the following orders (<i>specify below or in item</i> 12 <i>on page</i> 4):

10 🗌 Denial

(11)

I did not do anything described in item (8) of form SV-100. (Skip to (12).)

□ Justification or Excuse

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

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11–Justification or Excuse" as a title. You may use form MC-025, Attachment.

Rev. January 1, 2025

→

Explain your answers to each order requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 12—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

(13)

☐ No Fee for Filing

- a. I ask the court to waive the filing fee because the petitioner claims in form SV-100 item (14) to be entitled to free filing.
- b. I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form <u>FW-001</u>*, Request to Waive Court Fees, *must be filed separately*.)

14) 🗌 Costs

a. 🗌 I ask the court to order the petitioner to pay my court costs. The amounts requested are:

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

- Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 14—Costs" for a title. You may use form MC-025, Attachment.
- b. I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

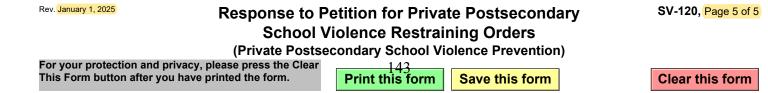
	Case Number:
(15) Number of pages attached to this form, if any:	
Date:	
Lawyer's name (if any)	Lawyer's signature

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

Date:

Type or print your name

Sign your name



DRAFT 2024-01-25 Not approved by the Judicial Council How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

What is a private postsecondary school violence restraining order?

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

What does the order do?

The court can order you to:

SV-120-INFO

- Not contact the student who is protected by the order
- Stay away from the student and the student's home, school, and other places
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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).

For more information about the items you would not be allowed to have, please see <u>selfhelp.courts.ca.gov/</u> restraining-orders/prohibited-items.

Who can ask for a private postsecondary school violence restraining order?

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

I've been served with a petition for private postsecondary school violence restraining orders. What do I do now?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form <u>SV-120</u>, *Response to Petition for Private Postsecondary School Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form <u>MC-025</u>. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form SV-120 to the person named in item ① of the petition form SV-100 (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

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

1 Petitioner (Educatio a. Name:	nal Institution Officer or Employe	e)
Lawyer for Petitioner Name: Firm Name:	(if any for this case):State Bar No.:	
	a lawyer, give your lawyer's information.):	
Address:		Fill in court name and street address: Superior Court of California, County
City:	State: Zip:	
Telephone:	Fax:	
Email Address:		
2) Student in Need of F	Protection	
0		Fill in case number: Case Number:
3 Respondent (Person	n From Whom Protection is Sough	nt)
Full Name:	The court will complete the rest of th	is form.
Full Name: 4 Notice of Hearing A court hearing is soft (Hearing) → Date:	The court will complete the rest of to neduled on the request for restraining Name ar	ns form. g orders against the respondent: d address of court if different from above
Full Name: 4 Notice of Hearing A court hearing is sch	The court will complete the rest of to neduled on the request for restraining Name ar	nis form. g orders against the respondent:
 Full Name:	The court will complete the rest of the court will complete the rest of the neduled on the request for restraining	d address of court if different from above grants a restraining order aga f you violate the order. order that could last up to five years. Afte
Full Name: Votice of Hearing A court hearing is sof Dept.: To the person in ③: If you attend the hearing (in 1 you, the order will be effective If you attend the hearing you receive a copy of the ord	The court will complete the rest of the eduled on the request for restraining Name ar Time:	d address of court if different from above d address of court if different from above d the judge grants a restraining order aga f you violate the order. order that could last up to five years. Afte order.
Full Name: 4) Notice of Hearing A court hearing is soft Date Date Dept.: If you attend the hearing (in j) you, the order will be effective. If you attend the hearing (in j) you cover a copy of the ord 9) Temporary Restrain a. Temporary Restrain	The court will complete the rest of the neduled on the request for restraining Name ar Time:	n gorders against the respondent: d address of court if different from above d address of court if different from above d the judge grants a restraining order aga f you violate the order. order that could last up to five years. Afte order, SIV-110, served with this notice.) y orders as requested in form SV-100,
Full Name: Full Name: Votice of Hearing A court hearing is soft Dept.: To the person in (3): If you attend the hearing in you, the order will be effective If you attend the hearing you receive a copy of the ord Temporary Restrainin a. Temporary Restrainin Request for Private Pa	The court will complete the rest of to neduled on the request for restraining restraining on the restraining restraining orders granted are on J orders for proval conduct and stay-awa	n gorders against the respondent: d address of court if different from above d address of court if different from above d the judge grants a restraining order aga f you violate the order. order that could last up to five years. Afte order, SIV-110, served with this notice.) y orders as requested in form SV-100,
Full Name:	The court will complete the rest of the educed on the request for restraining Name ar Time:	ad the judge grants a restraining order aga f you violate the order. order that could last up to five years. Afte order that could last up to five years. Afte order.

How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (Private Postsecondary School Violence Prevention) SV-120-INFO, Page 1 of 2

How Can I Respond to a Petition for Private SV-120-INFO **Postsecondary School Violence Restraining Orders?**

How long does the order last?

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

Do I need a lawyer?

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

Will I see the student at the court hearing?

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

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/SV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, Request for Interpreter (Civil), or a local court form or website to request an interpreter. For more information about court interpreters, go to selfhelp.courts.ca.gov/ request-interpreter.

What if I have a gun?

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

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

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

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, How to Request a Disability Accommodation for Court.

	tsecondary School estraining Order After	Clerk stamps date here when form is filed.
) Petitioner (Educational Institutional Inst	tution Officer or Employee	Not approved by
Lawyer for Petitioner <i>(if any, for</i> Name:	this case)State Bar No.:	the Judicial Council
Firm Name:		[
b. Your Address <i>(If you have a law</i> Address:		<i>Fill in court name and street address:</i> Superior Court of California, County o
City:	State: Zip:	
Telephone:	Fax:	
Email Address:		
) Student (Protected Person)		Court fills in case number when form is filed.
		Case Number:
	right: Weight: nbinary Home Address: State: Zip	Age: Date of Birth: Hair Color: Eye Color:
Relationship to Protected Person:		<i>.</i>
Additional Protected Person In addition to the student, the follow temporary orders indicated below: <u>Full Name</u>	ing family or household members <u>Gender Age House</u>	s or other students are protected by the <u>ehold Member?</u> <u>Relation to student</u> Yes No Yes No Yes No
Additional protected persons are		
 Expiration Date This Order, except for any award op 		
Date:	Time:	□ a.m. □ p.m.
If no expiration date is written here	this Order expires three years fro	om the date of issuance.
If no expiration date is written here,	this Order expires three years fro This is a Court Order.	

Restraining Order After Hearing (CLETS-SVO) (Private Postsecondary School Violence Prevention) 146

Case Number:

Hearing

a.	There was a hearing on (de	ate):	at <i>(time)</i> :	in Dept.:	Room:
	(Name of judicial officer):			made the orders	at the hearing.
b.	These people were at the h	earing:			
	(1) \Box The petitioner/scho	ol representativ	ve (name):		
	(2) \Box The lawyer for the	petitioner/scho	ol <i>(name):</i>		
	(3) \Box The student	(4) \square The la	wyer for the student (n	name):	
	(5) \Box The respondent	(6) \square The la	wyer for the responden	t <i>(name)</i> :	
	Additional persons pres	sent are listed a	t the end of this Order of	on Attachment 6b.	
c.	☐ The hearing is continue	d. The parties 1	nust return to court on	(date):	at <i>(time)</i> :
		То	the Respondent:		
Гhe	court has granted the c	orders check	ed below. If vou do i	not obev these ord	ers. vou can be

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
 - \square 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) \Box Commit acts of violence or make threats of violence against the person.
 - (3) \Box 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) \Box 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.

) Stay-Away Orders

8

a.	You must stay at least yards away	y from (check all that apply):
	(1) \square The student.	(7) \Box The student's children's place of child care.
	(2) \square Each other protected person listed in (4).	(8) The student's vehicle.
	(3) \square The school.	(9) \Box Other (specify):
	(4) \Box The student's home.	
	(5) \Box The student's job or workplace.	
	(6) \Box 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 <u>SV-800</u>) 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.

10 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

11 🗌 Costs

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

Item	<u>Amount</u>	Item	Amount
	\$		5
	\$		\$
	\$		\$

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

Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 12.

To the Person in 1:

13 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. D 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 13.

(14)

- 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.

SV-130, Page 4 of 6

15 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.

16 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 14), 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.

SV-130, Page 5 of 6

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, § 883(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

Rev. January 1, 2025 Private Postsecondary School Violence			SV-130 , Page 6 of 6
Restraining Order After Hearing (CLETS-SVO)			
(Private Postsecondary School Violence Prevention)			
For your protection and privacy, please press the Clear	151		
This Form button after you have printed the form.	Print this form	Save this form	Clear this form

WV-100 Petition for Workplace Violence Restraining Orders	Clerk stamps date here when form is filed.
1 Petitioner (Employer or Collective Bargaining Representative) a. Name: is a Employer Collective Bargaining Representative specify union: and is filing this suit on behalf of the employee identified in item (2). b. Lawyer for Petitioner (<i>if any for this case</i>) Name: Firm Name: 	DRAFT 6/5/2024 Not approved by the Judicial Council
Petitioner's Address (If the petitioner has a lawyer, give the lawyer's	Court fills in case number when form is filed.
information.)	Case Number:
c. Address:	
City: State: Zip:	
Telephone: Fax: Email Address: Fax:	
Gender: M F Nonbinary Age: Workplace Address: City: State: Zip	D
 This employee declines to be named in any restraining order issued as Additional employees suffered harassment, violence, or a threat of vio they decline to be named in any restraining order issued as a result of the statement. 	a result of this petition. lence. Those employees, and whether
3 Respondent (Person From Whom Protection Is Sought)	
Full Name:	Age:
Address (if known):	
City:State:	Zip:
 Protected Persons Not Listed in (2) a. Are you asking for protection for any family or household members of at the employee's workplace or at other workplaces of the petitioner? Yes No (If yes, list them): 	the employee or for any other employee old Member? Relationship to Employee
Ye	es 🗌 No
	es 🗌 No
 Additional protected persons are listed in Attachment 4a. This is not a Court Order. 	
Judicial Council of California, www.courts.ca.gov Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.8 and 527.9 (Workplace Violence Prevention 152	

4	b.	Why do these people need protection? <i>(Explain)</i> Response is stated in Attachment 4b.):	
5		How does the employee know the respondent? (nse is stated in Attachment 5a.
	b.	Respondent is is not a current emp otherwise discipline the respondent):		ain any decision to retain, terminate, or use is stated in Attachment 5b.
6 7	Wł a. b. c.	 enue hy are you filing in this county? (Check all that a The respondent lives in this county. The respondent has caused physical or emot Other (specify): 	ional injury to the petition	
	a.	Has the employee or any of the persons named i	in (4) been involved in and	other court case with the respondent?
		 No Yes If yes, check each kind of ca. <u>Kind of Case</u> (1) Workplace Violence (2) Civil Harassment (3) Domestic Violence (4) Divorce, Nullity, Legal Separation (5) Paternity, Parentage, Child Support (6) Eviction (7) Guardianship (8) Small Claims (9) Postsecondary School Violence (10) Criminal 	se and indicate where and <u>Filed in (County/State)</u>	-

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

This is not a Court Order.

 \rightarrow

8) Description of Respondent's Conduct

- a. Respondent has (check one or more):
 - (1) \square Assaulted, battered, or stalked the employee.

 - (3) Engaged in a course of conduct that seriously alarmed, annoyed, or harassed the employee and caused the employee substantial emotional distress. *(A course of conduct is more than one act.)*

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

- (1) \Box Took place at the employee's workplace.
- (2) \Box Can reasonably be construed to be carried out in the future at the employee's workplace.

Address of workplace:

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

Response is stated in Attachment 8c.

d. Was the employee harmed or injured? ☐ Yes ☐ No (If yes, describe harm or injuries): Response is stated in Attachment 8d.

e. Did the respondent use or threaten to use a gun or any other weapon? ☐ Yes ☐ No *(If yes, describe):* ☐ Response is stated in Attachment 8e.

Case	Num	ber:
------	-----	------

8 f.	For any of the incidents described above, did the police come? 🗌 Yes 🗌 No 📋 I don't know
\bigcirc	If yes, did the employee or the respondent receive an Emergency Protective Order?
	☐ Yes ☐ No ☐ I don't know
	If yes, the order protects (check all that apply):
	\Box the employee \Box the respondent \Box one or more of the persons in (4).
	(Attach a copy of the order if you have one.)
CI	heck the orders you want ☑

9) Personal Conduct Orders

> I ask the court to order the respondent not to do any of the following things to the employee or to any person to be protected listed in(**4**):

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Commit acts of unlawful violence on or make threats of violence to the person.
- c. Follow or stalk the person during work hours or to or from the place of work.
- d. Contact the person, either directly or indirectly, by **any** means, 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.
- e. Enter the person's workplace.
- f. \Box Other (specify):
 - As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

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	Stay-Away	Orders
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- (1) \Box The employee.
- (2) \Box The other persons listed in (4).
- (3) \Box The employee's workplace.
- (4) \Box The employee's home.
- (5) \Box The employee's school.
- (6) \Box The school of the employee's children.
- (7) \Box The place of child care of the employee's children.

This is not a Court Order.



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- (8) \square The employee's vehicle.
- (9) \Box Other *(specify)*:

b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (If no, explain):
Response is stated on Attachment 10b.

(11)

) Firearm (Guns), Firearm Parts, and Ammunition

Does the respondent own or possess any firearms (guns), firearm parts, or ammunition? 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).

🗌 Yes 🗌 No 📋 I don't know

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns) and firearm parts within his or her immediate possession or control. If an order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

(12) Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the respondent been told that you were going to go to court to seek a TRO against him or her? Yes No (If you answered no, explain why below):

Reasons are stated in Attachment 12.

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form <u>WV-200-INFO</u> explains what is proof of personal service. Form <u>WV-200</u>, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

Reasons are stated in Attachment 13.

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□ No Fee for Filing

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.



No Fee to Serve Orders

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

(16)

Court Costs

I ask the court to order the respondent to pay my court costs.



Additional Orders Requested

I ask the court to make the following additional orders (specify):

Additional orders requested are stated in Attachment 17.

18) Number of pages attached to this form, if any:

Date:

Lawyer's name (if any)

Lawyer's signature

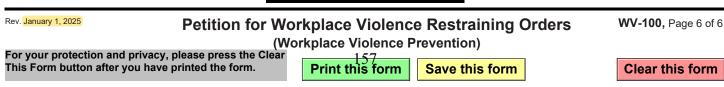
Signature

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

Date:

Name of petitioner

Title



DRAFT 2024-01-29 Not approved by the Judicial Council

WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a workplace violence protective order?

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

The court can order a person not to:

- Harass or threaten an employee;
- Contact or go near an employee; and
- Have any firearms (guns), firearm parts, ammunition, or body armor. 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).

For more information about the items a restrained person cannot have, please see <u>selfhelp.courts.ca.gov/restraining-orders/prohibited-items</u>.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting harassment, unlawful violence, or credible threats of violence against their employees. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Collective Bargaining Representatives can also obtain orders prohibiting harassment, unlawful violence, or credible threats of violence against employees. In order to bring a petition for an order under this law, the collective bargaining representative must serve as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace. Before completing the forms needed to obtain court orders under this statute, make certain you meet the definitions of "employer" or "collective bargaining representative" as defined above.

The statute differs from other California laws that allow victims of harassment, unlawful violence, or credible threats of violence to ask the court for these orders **themselves.** If anyone other than the employer or the collective bargaining representative wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me?* (form <u>CH-100-INFO</u>).

Who can an employer <mark>or collective bargaining</mark> representative protect under this law?

Under this statute, an employer or collective bargaining representative can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee's workplace or at other workplaces of the employer.

Note: Before filing a petition, an employer or collective bargaining representative of an employee must provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the restraining order. An employee's request to not be named in the order does not prohibit an employer or collective bargaining representative from seeking a restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

California law defines "employees" as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.

The "respondent" is the person against whom the employer or collective bargaining representative is requesting the protective order.

An employer may seek protection under this law if:

- 1. An employee has suffered harassment, unlawful violence, or a credible threat of violence from any individual;
- 2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
- 3. The respondent's conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
- 4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

- 1. *Petition for Orders Workplace Violence Restraining Orders* (Petition) (form <u>WV-100</u>). This form tells the judge the facts of the petitioner's case and what orders the petitioner wants the court to make.
- 2. *Confidential Information for Law Enforcement* (form <u>CLETS-001</u>). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
- 3. *Notice of Court Hearing* (form <u>WV-109</u>). This form tells the parties when the hearing on the petition will be held.
- Temporary Restraining Order (TRO) (form W<u>V-110</u>). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
- Workplace Violence Restraining Order After Hearing (Order) (form <u>WV-130</u>). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.

6. *Proof of Personal Service* (form <u>WV-200</u>). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

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

What steps are needed to get the court orders?

- Fill in the **Petition** (form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form WV-109). If you are seeking a **TRO**, also fill out form WV-110.
- 2. If you are seeking orders based on information from others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form WV-100). You may use form <u>MC-031</u>, *Attached Declaration*.
- 3. Fill in *Confidential Information for Law Enforcement* (form CLETS-001) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
- 4. If you are applying for a **TRO**, fill out form WV-110 completely. The petition and the declarations must give the details of the recent acts of harassment, violence, or credible threats of violence and the problems they have caused.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and

WV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

- b. You or your attorney certifies one of the following to the court under oath:
 - That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
- 5. Take your original completed forms and copies to the clerk's office at the court. You will need multiple copies: one for you, one for each person to be protected, and one to serve on the respondent. Each protected person will need a copy of the TRO if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form WV-109).
- 6. If you are seeking a TRO (form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a TRO is granted while you are still at the court, take the signed original back to the clerk to be filed.
- 7. If a TRO has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the TRO to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.

If the court issues a TRO, it will last until the hearing date.

- If a person to be protected by the order does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.</u> <u>courts.ca.gov/request-interpreter</u>.
- 9. Have the respondent personally served with copies of the Petition (form WV-100), the Notice of Court Hearing (form WV-109), the TRO (form WV-110) (if issued), a blank Response (form WV-120), and a blank Proof of Service of Response by Mail (form WV-250). You cannot serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older who is not involved in the case. For help with service, ask the court clerk for form WV-200-INFO, What Is "Proof of Personal Service"?

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

NV-100-INFO How Do I Get an Order to Prohibit Workplace Violence?

11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person's word.

You can bring to the hearing:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form MC-030, *Declaration*.)

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

- 12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.
- 13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form <u>WV-260</u>, *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form <u>WV-200</u>) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.
- 14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

a. Name:		
Lawyer for Petitioner	(if any for this case):	
Name:	State Bar No.:	Fill in court name and street address:
Firm Name:		Superior Court of California, County of
 Address (If you have a Address: 	lawyer, give your lawyer's information.):	
City:	State: Zip:	
	Fax:	
		Fill in case number: Case Number:
Email Address:	ioner Asserts Suffered Harassmen From Whom Protection Is Sought	t, Violence, or Threat of Violence
Email Address: Employee Who Petif Full Name: Respondent (Persor	ioner Asserts Suffered Harassmen	t, Violence, or Threat of Violence
Email Address:	ioner Asserts Suffered Harassmen From Whom Protection Is Sought The court will complete the rest of this eduled on the request for restraining of Name and	t, Violence, or Threat of Violence
Email Address:	ioner Asserts Suffered Harassmen From Whom Protection Is Sought; The court will complete the rest of this eduled on the request for restraining of	t, Violence, or Threat of Violence

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

(Workplace Violence Prevention

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What if I have a disability?

Rev. January 1, 2025, Mandatory Code of Civil Procedure, § 527.8

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, <u>Disability</u> <u>Accommodation Request</u>, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, How to Request a Disability Accommodation for Court.

Information about the process is also available online.

See selfhelp.courts.ca.gov/WV-restraining-order

For help in your area, contact:

[Local information may be inserted.]

	WV-109 Notice of Court Heari	ng
1	Petitioner (Employer or Collective Bargain Representative)	Not approved by the
	a. Name:	Judicial Council
	Lawyer for Petitioner (if any for this case):	
	Name:State B	ar No.: Fill in court name and street address:
	Firm Name:	
	 b. Address (If you have a lawyer, give your lawyer's Address: 	information.):
	City: State:	
	Telephone: Fax:	
	Email Address:	Case Number:
2	Employee Who Petitioner Asserts Suffere	d Harassment, Violence, or Threat of Violence
2	Full Name:	
2	Full Name: Respondent (Person From Whom Protect	on Is Sought)
2	Full Name: Respondent (Person From Whom Protect Full Name:	on Is Sought)
2 3 4	Full Name: Respondent (Person From Whom Protect Full Name:	on Is Sought) ete the rest of this form.
2 3	Full Name:	on Is Sought) ete the rest of this form.
2 3 4	Full Name: Respondent (Person From Whom Protect Full Name: The court will compl Notice of Hearing A court hearing is scheduled on the request f	on Is Sought) ete the rest of this form. or restraining orders against the respondent: Name and address of court if different from above:
2	Full Name: Respondent (Person From Whom Protect Full Name: The court will compl Notice of Hearing A court hearing is scheduled on the request f	on Is Sought) ete the rest of this form. or restraining orders against the respondent: 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.

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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.)
- 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 harassment, 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) \Box Other *(specify):* \Box 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. <u>WV-120</u>, *Response to Petition for Workplace Violence Restraining Orders* (blank form)
- d. <u>WV-120-INFO</u>, How Can I Respond to a Petition for Workplace Violence Restraining Orders?
- e. Other (specify):

Date:

Judicial Officer

Case Number:

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 <u>WV-200</u>, *Proof of Personal Service*, may be used.
- 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 <u>WV-115-INFO</u>, *How to Ask for a New Hearing Date*.
- For information about service, read form <u>WV-200-INFO</u>, What Is "Proof of Personal Service"?
- 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 <u>WV-120</u>, *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 <u>WV-250</u>, *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 an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- 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 <u>WV-115-INFO</u>, *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: Cler	k, by		, Depu	ıty
	otice of Court He place Violence Pre	•		WV-109, Page 3 of 3
For your protection and privacy, please press the Clear This Form button after you have printed the form.	164 Print this form	Save this form		Clear this form

	WV-110	Temporary Restraining Order	Clerk stamps date here when form is filed.
1	Representativ		DRAFT 2024-01-29
	Name: Firm Name:	titioner <i>(if any, for this case):</i> State Bar No.:	Not approved by the Judicial Council
	Address:	(If you have a lawyer, give your lawyer's information	<i>Fill in court name and street address:</i> Superior Court of California, County of
	City: Telephone: Email Address	State: Zip: Fax:	
2	Protected Person or Persons		Court fills in case number when form is filed.
	Full Name: Full Name: Full Name:		Case Number:
	Full Name: Additional pro	otected persons are listed at the end of this Order on A	ttachment 2.

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	1 Person:			

Expiration Date

4)

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

I	Date:	Time:		a.m.	p.m.	
		-				

Case Number:

To the Respondent:

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

(5)	Pe	ersonal Conduct Orders
\bigcirc		Not Requested 🛛 Denied Until the Hearing 🗌 Granted as Follows:
	a.	You are ordered not to do the following things to the protected person or persons listed in 2
		(1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
		(2) \Box Commit acts of violence or make threats of violence against the person.
		(3) \Box 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 email, by fax, or by other electronic means.
		(5) \square Enter the workplace of the person.
		(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) \Box Other (specify):
		\Box Other personal conduct orders are attached at the end of this Order on Attachment 5a(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. However, you may have your papers served by mail on the petitioner.
6	St	ay-Away Order
		Not Requested 🛛 Denied Until the Hearing 🗌 Granted as Follows:
	a.	You must stay at least yards away from <i>(check all that apply):</i>
		(1) \Box Each protected person listed in (2) (3) \Box Other <i>(specify):</i>
		(2) For each protected person listed in (2)
		(a) The person's workplace
		(b) The person's home
		(c) The person's school
		(d) The person's children's school

- (e) The person's children's place of childcare
- (f) The person's vehicle

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

) 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 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. You must:

7

- (1) 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.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that all your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form <u>WV-800</u>) for the receipt.)
- d. 🗌 The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

9) Other Orders

8)

Not Requested

Denied Until the Hearing

Granted as Follows (specify):

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

To the Petitioner:

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. \Box The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. D The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

10	c. Dy the close of business on the date that the deliver a copy of the Order and its proof-orenter into CARPOS:		
	Name of Law Enforcement Agency	Address (0	<u>City, State, Zip)</u>
	Additional law enforcement agencies	are listed at the end of this Ord	er on Attachment 10.
11	No Fee to Serve (Notify) Restrained Pe The sheriff or marshal will serve this Order witho		☐ Not Ordered
	a. The Order is based on a credible threat of	0	
	b. The petitioner is entitled to a fee waiver.	C	
12	Number of pages attached to this Order, if any:		
Date		Jud	icial Officer

Warnings and Notices to the Restrained Person in 3

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b 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 item 7 above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item (3).

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

After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this Order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form <u>WV-120-INFO</u>, *How Can I Respond to a Petition for Orders to Stop Workplace Violence*?, to learn how to respond to this Order.
- If you want to respond, fill out form <u>WV-120</u>, *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form <u>WV-250</u>, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form <u>MC-030</u>, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at <u>www.courts.ca.gov/forms</u>. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

If a Protected Person Contacts the Restrained Person

Even if a 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).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting a 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(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 will fill out this part.)

-Clerk's Certificate

Clerk's Certificate [seal]

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

Date: Clerk, by , Deputy

Rev. January 1, 2025 Temporary F	Restraining Orde	r (CLETS-TWH) WV-110, Page 6 of 6
(Wor	kplace Violence Pre	evention)	
For your protection and privacy, please press the Clear	170		
This Form button after you have printed the form.	Print this form	Save this form	Clear this form

WV-115 Request to Continue		e Court Hearing	Clerk stamps date here when form is filed.	
on, N	Notice of Court Hea	rm to ask the court to reschedule ring (form <u>WV-109</u>). Read <i>How</i> V-115-INFO) for more information	to Ask for a New	DRAFT 2024-02-07
1	My Informatio	n		Not approved by the Judicial Council
	a. My name is:			
	b. I am the:			Fill in court name and street address:
		oner (employer or collective barg o (2) <i>)</i> .	gaining representative)	Superior Court of California, County of
	(2) 🗌 Respo	ndent (give your contact inform	ation below).	
	Address	where I can receive mail:		
		ess will be used by the court and		Fill in case number:
	you can u person's a	s case. If you want to keep your l se another address like a post off ddress, if you have their permiss ve your lawyer's address and cor	ice box or another ion. If you have a	Case Number:
	Address:			
		State:		
	My conta	ect information (optional):		
	Telephon	:	Fax:	
	Email Ad	dress:		
	Lawyer's	information (skip if you do not	have one):	
	Name:		State Bar N	No.:
		e:		

2) Information About My Case

- a. The other party in this case is *(full name)*:
- b. I have a court hearing currently scheduled for *(date)*:

This is not a Court Order.

→

(3) Is a Temporary Restraining Order	r in effect?		
Yes. Date the order was made, if know			
Please attach a copy of the order in \square No.	if you have one.		
_			
☐ I don't know.			
Notice: If the court date is rescheduled, the until the end of the new court date unless of	· ·	0	<u>0</u>) will remain in effect
(4) Why does the court date need to	be rescheduled	?	
a. \Box I need more time to have the respon	dent personally serve	ed.	
b. \Box I am the respondent, and this is my	first request to resch	edule the court date.	
c. 🗌 Other reason:			
I declare under penalty of perjury under the laws	of the State of Califo	ornia that the information	n above is true and correct.
Date:			
Dutt.			
Type or print your name	Sign	your name	
Date:			
Lawyer's name, if you have one	Lawy	ver's signature	
	s is not a Court		
•	t to Continue Co oorary Restrainii	-	WV-115, Page 2 of 2
(Wor	kplace Violence Pre	• •	
For your protection and privacy, please press the Clear This Form button after you have printed the form.	Print this form	Save this form	Clear this form

nplete items (1) and (2) only. Petitioner (Employer or Collective Bargaining Representative)	DRAFT 2024-01-09 Not approved by the Judicial Council
Respondent:	_
The court will complete the rest of this form	
Next Court Date	Fill in court name and street address:
a. The request to reschedule the court date is denied . Your court date is:	Superior Court of California, Count
 Any <i>Temporary Restraining Order</i> (form <u>WV-110</u>) already granted stays in full force and effect until the next court date. 	
(2) Your court date is not rescheduled because:	Fill in case number:
	Case Number:
New Date: Time: Court Dept.: Room:	address of court, if different from above
listed below. See ④–⑧ for more information. Name and New Court Dept.: Room:	address of court, if different from above the second secon
listed below. See ④-⑧ for more information. New Date: Time:	address of court, if different from above ntil the next court date because: ecause: effect. listed in 3b.) Warning and Not to the Responden If (4) b is checked, temporary restraini
Isted below. See (4)-(8) for more information. Name and New Court Date: Dept.: Room: Temporary Restraining Order a. There is no Temporary Restraining Order (TRO) in this case under (1) A TRO was not previously granted by the court. (2) The court terminates (cancels) the previously granted TRO be under (1) b. A Temporary Restraining Order (TRO) is still in full force and (1) The court extends the TRO previously granted on (date)	address of court, if different from above ntil the next court date because: ecause: effect. listed in 3b.) use: address of court, if different from above address of court date because:

Judicial Council of California, <u>www.courts.ca.go</u> Revised January 1, 2025, Mandatory Form Code of Civil Procedure, § 527.8(p) Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TWH) (Workplace Violence Prevention) 173

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5	Reason Court Date Is Resche	duled				
	 a. There is good cause to reschedule the court date (check one): (1) (1) (2) (1) (2) (2) (3) (4) (5) (6) (7) (7) (8) (7) (8) (9) (1) (1) (1) (1) (2) (1) (2) (1) (2) (2) (3) (4) (4) (5) (6) (7) (7) (7) (8) (8) (9) (9) (1) (1) (1) (2) (1) (2) (1) (2) (2) (3) (4) (4) (5) (6) (7) <li< th=""></li<>					
	b. \Box This is the first time that the respondent has asked for more time to prepare.					
	c. The court reschedules the court date on its own motion.					
6 Serving (Giving) Order to Other Party						
	The request to reschedule was made by the:					
	a. Detitioner	b. 🗌 Respondent	c. 🗌 Court			
	(1) ☐ You do not have to serve the respondent because they or their lawyer were at the court date or agreed to reschedule the court date.	(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.	(1) Further notice is not required.			
	 (2) □ You must have the respondent personally served with a copy of all the forms listed on form <u>WV-109</u>, item (6), by <i>(date):</i> 	(2)	(2) The court will mail a copy of this order to all parties by <i>(date)</i> :			
	(3) Vou must serve the respondent with a copy of this order. This can be done by mail. You must serve by (<i>date</i>):	(3) You must serve the petitioner with a copy of this order. This can be done by mail. You must serve by (<i>date</i>):	(3) □ Other:			
	(4)	(4)				

This is a Court Order.

Revised January 1, 2025

WV-116, Page 2 of 3

7 No Fee to Serve (Notify) Respondent 🛛 Ordered 🗌 Not Ordered

The sheriff or marshal will serve this order for free because:

- a.
 The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. \Box The person in (1) is entitled to a fee waiver.

8) 🗌 Other Orders

Date:

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

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

-Clerk's Certificate

Clerk's CertificateI certify that this Order on Request to Continue Hearing (Temporary Restraining
Order) (CLETS-TWH) (form WV-116) is a true and correct copy of the original on file
in the court.[seal]Date:Clerk, byDate:Clerk, by

Revised January 1, 2025 Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TWH)			
175			
Print this form	Save this form	Clear this form	
	estraining Orde place Violence Pre 175	estraining Order) (CLETS-TWH place Violence Prevention) 175	

WV-120 Response to Petition for Work Violence Restraining Orders	place Clerk stamps date here when form is filed.		
 Violence Restraining Orders Use this form to respond to the Petition (form WV-100) Read How Can I Respond to a Petition for Workplace Violence Restred Orders? (form WV-120-INFO) to protect your rights. Fill out this form and take it to the court clerk. Have someone age 18 or older—not you—serve the petitioner or the petitioner's lawyer by mail with a copy of this form and any attached (Use form WV-250), Proof of Service of Response by Mail.) Petitioner (Employer or Collective Bargaining Representative) Name: Employee Who Petitioner Asserts Suffered Harassr 	e d pages. Fill in court name and street address: Superior Court of California, County of		
Violence, or Threat of Violence	Fill in case number:		
Full Name:	Case Number:		
lawyer.) H Address: H City: State: Telephone: Fax: Email Address: I	The court will consider your response at the nearing. Write your hearing date, time, and place from form WV-109, item (4) here: Hearing Date Date: Time: Time: Date Dept.: Room: If you were served with a Temporary Restraining Order, you must obey it until the		
	 hearing. At the hearing, the court may make orders against you that last for up to three years. (12) on page 4): 		
(5) □ Stay-Away Orders			
a. \square I agree to the orders requested.			
b. 🗌 I do not agree to the orders requested. <i>(Specify why you dist</i>	ree to the orders requested. (Specify why you disagree in item 12 on page 4.)		
c. \Box I agree to the following orders <i>(specify below or in item</i> 12) on page <mark>4</mark>):		

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, §§ 527.8 and 527.9

Response to Petition for Workplace Violence Restraining Orders (Workplace Violence Prevention) 176

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- a. \Box I agree that the persons listed in item (4) of the Petition may be protected by the order requested.
- b. \Box I do not agree that the persons listed in item (4) of the Petition may be protected by the order requested.

7) Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form WV-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. 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). (See item (8) of form WV-110.) 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 within 24 hours of being served with form WV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.

a. 🗌 I do not own or control any firearms (guns), firearm parts, or ammunition.

b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form <u>MC-025</u>, Attachment.

c. \Box I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt 🛛 is attache	d. 🗌 has already	been filed with the court.
------------------------------------	------------------	----------------------------

8 No Body Armor

If you were served with form WV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(Check all that apply):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (Attach a copy of the letter granting permission, if you have one.)



Other Orders 9 a. \Box I agree to the orders requested. b. \Box I do not agree to the orders requested. (Specify why you disagree in item (12) on page 4.) c. \Box I agree to the following orders (specify below or in item (12) on page 4):

Denial (10)

I did not do anything described in item (8) of form WV-100. (Skip (12)

(11)

☐ Justification or Excuse

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

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Justification or Excuse" as a title. You may use form MC-025, Attachment.

Rev. January 1, 2025

WV-120, Page 3 of 5



Explain your answers to each order requested that you do not agree with.

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 12-Reasons I Disagree" as a title. You may use form MC-025, Attachment.

(13) No Fee for Filing a. \Box I ask the court to waive the filing fee because the petitioner claims in form WV-100 item (14) to be entitled to free filing. b. \Box I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.) (14) a. I ask the court to order the petitioner to pay my court costs. The amounts requested are: Item Amount Item Amount \$ \$ \$ \$ \$ \$ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 14—Costs" for a title. You may use form MC-025, Attachment. b. 🗌 I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs. Rev. January 1, 2025

	Case Number:
15 Number of pages attached to this form, if any:	
Date:	
•	
Lawyer's name (if any)	Lawyer's signature

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

Date:

Type or print your name

Sign your name



What is a workplace violence restraining order?

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

What does the order do?

The court can order you to:

WV-120-INFO

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. 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).

For more information about the items you would not be allowed to have, please see <u>selfhelp.courts.ca.gov/</u> restraining-orders/prohibited-items.

Who can ask for a workplace violence restraining order?

An employer or collective bargaining representative can ask for an order on behalf of an employee who has suffered harassment, violence, or a credible threat of violence at the workplace, or members of their household or other employees.

I've been served with a petition for private workplace violence restraining orders. What do I do now?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form <u>WV-120</u> Response to Petition for Workplace Violence Restraining Orders, before your hearing date and file it with the court. If you need to include attachments, you can use form <u>MC-025</u>. You can get the forms from legal publishers or from the California Courts website at <u>www.courts.ca.gov/forms</u>. You also may be able to find them at your local courthouse or county law library.

Judicial Council of California, <u>www.courts.ca.gov</u> Rev. January 1, 2025, Optional Form Code of Civil Procedure, §§ 527.8 and 527.9

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item ① of the petition form WV-100 (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

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

WV-109 Notice of Court Hearing	Clerk stamps date here when form is filed.
Petitioner (Employer or Collective Bargainin Representative)	g
a. Name:	
Lawyer for Petitioner (if any for this case):	
Name:State Bar 1	No.: Fill in court name and street address:
Firm Name:	Superior Court of California, County o
 Address (If you have a lawyer, give your lawyer's info Address: 	
City: State:	Zip:
Telephone: Fax:	
Email Address:	Fill in case number: Case Number:
Employee Who Petitioner Asserts Suffered I Full Name:	
Full Name: Respondent (Person From Whom Protection	
Full Name:	ı Is Sought)
Full Name: Respondent (Person From Whom Protection Full Name:	the rest of this form.
Full Name:	I Is Sought) the rest of this form. restraining orders against the respondent: Name and address of court if different from above:
Full Name:	I Is Sought) the rest of this form. restraining orders against the respondent: Name and address of court if different from above:
Full Name:	I Is Sought) the rest of this form. restraining orders against the respondent: Name and address of court if different from above:
Full Name:	I Is Sought) the rest of this form. restraining orders against the respondent: Name and address of court if different from above:
Full Name:	I Is Sought) the rest of this form. restraining orders against the respondent: Name and address of court if different from above:

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.







WV-120-INFO How Can I Respond to a Petition for Workplace Violence Restraining Orders?

How long does the order last?

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

Do I need a lawyer?

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

Will I see the people to be protected at the court hearing?

Yes. Assume that the people to be protected will attend the hearing. Do not talk to them unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/WV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form <u>INT-300</u>, *Request for Interpreter (Civil)*, or a local court form or website to request an interpreter. For more information about court interpreters, go to <u>selfhelp.courts.ca.gov/</u>request-interpreter.

What if I have a gun?

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

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

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

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form <u>MC-410</u>, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form <u>MC-410-INFO</u>, *How to Request a Disability Accommodation for Court*.

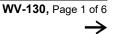
	lace Violence Restrain After Hearing	ing Clerk	stamps date here when form is filed.
) Petitioner (Employer or Representative) a. Name:	Collective Bargaining		DRAFT ALT B 06/5/2024
Lawyer for Petitioner <i>(if an</i> Name:			Not approved by the Judicial Council
b. Your Address (If you have		nformation.) Fill in	court name and street address: erior Court of California, County of
City: Telephone: Email Address:	State: Zip: Fax:		
Protected Person or Pe	rsons	Court	fills in case number when form is filed.
E 11 M			Number:
E 11 NI			
Full Name:	ons are listed at the end of this		t 2.
Full Name: Full Name: Additional protected person Respondent (Restrained)	ons are listed at the end of this d Person) know. Information with a star	Order on Attachmen	<mark>t 2.</mark> d this order to the California poli
Full Name: Full Name: Additional protected person Respondent (Restraine) (Give all the information you be)	ons are listed at the end of this d Person) know. Information with a star	Order on Attachmen	
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Full Name: Full Name: Additional protected person Respondent (Restrained (Give all the information you if database. If age is unknown, g *Full Name: *Race:	ons are listed at the end of this d Person) know. Information with a star give an estimate.)	Order on Attachmen (*) is required to add *Age: Hair Colo	d this order to the California poli Date of Birth: r: Eye Color:

Expiration Date)

1	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.



		Case Number	:
Hearing			
a. There was a hearing on <i>(date)</i> :	at (time):	in Dept.:	Room:
(Name of judicial officer):			
b. These people were at the hearing:			
(1) \Box The petitioner (name)):		
(2) \Box The lawyer for the petitioner	(name):		
(3) \Box The respondent (4) \Box The			
Additional persons present are listed	d at the end of this Order	on Attachment 5b.	
c. The hearing is continued. The partie	es must return to court on	(date)·	at (time).
he court has granted the orders chec rrested and charged with a crime. Yo 1,000, or both.	-	not obey these or	
he court has granted the orders chec rrested and charged with a crime. Yo	cked below. If you do	not obey these or	
he court has granted the orders chec rrested and charged with a crime. Yo 1,000, or both.	cked below. If you do bu may be sent to jail	not obey these ord for up to one year,	pay a fine of up to
he court has granted the orders chec rrested and charged with a crime. Yo 1,000, or both. Personal Conduct Orders	cked below. If you do bu may be sent to jail g things to the protected p	not obey these ord for up to one year, person or persons liste	pay a fine of up to
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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.

) Stay-Away Orders

- a. You **must** stay at least yards away from *(check all that apply):*
 - (1) \square Each protected person listed in **2**
 - (2) \Box For each protected person listed in (2)

(a) The person's workplace

(b) The person's home

- (c) The person's school
- (d) The person's children's school
- (e) The person's children's place of child care
- (f) The person's vehicle
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

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:

8

- (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) \Box Other (specify):

- (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 <u>WV-800</u>) 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.

WV-130, Page 4 of 6

You must pay the following amounts for costs to the petitioner: Item Amount Item Amount \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ Additional amounts are attached at the end of this Order on Attachment 10. \$ \$ \$ \$ Other Orders (specify): \$ \$ \$ \$ \$ \$ Additional orders are attached at the end of this Order on Attachment 10. \$ \$ \$ \$ Additional orders are attached at the end of this Order on Attachment 11. \$ \$ \$ \$ Mandatory Entry of Order Into CARPOS Through CLETS \$ \$ \$ \$ \$ Mandatory Entry of Order Into CARPOS Through CLETS. \$ <t< th=""><th>Item Amount Item Amount \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$</th><th>Item Amount Item Amount \$</th><th>Amount \$</th><th>Item </th><th><u>Amount</u></th></t<>	Item Amount Item Amount \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	Item Amount Item Amount \$	Amount \$	Item	<u>Amount</u>
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into CARPOS:	•	into CARPOS:			•
	deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below t			vice form to the law enforcement agency	
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			r		
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	into CARPOS:		-	Address (City, State, .	<u>Zip)</u>
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	into CARPOS:		-	Address (City, State, .	<u>Zip)</u>
	into CARPOS:		-	Address (City, State,	<u>Zip)</u>
	into CARPOS:		-	<u>Address (City, State, .</u>	<u>Zip)</u>
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	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, <i>Temporary Restraining Order</i> , 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.
14	No Fee to Serve (Notify) Restrained Person Ordered Not Ordered
14	No Fee to Serve (Notify) Restrained PersonOrderedNot OrderedThe sheriff or marshal will serve this Order without charge because:
14	
14	The sheriff or marshal will serve this Order without charge because:

Judicial Officer

Warning and Notice to the Respondent:

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.

This is a Court Order.



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Rev. January 1, 2025

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 $(\mathbf{5})$ on page 1.

If a Protected Person Contacts the Restrained Person

Even if a 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).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting a 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(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.	
Rev. January 1, 2025	Workplace Violence	WV-130, Page 6 of 6
Restrai	ning Order After Hearing (CLETS-WH	0)
	(Workplace Violence Prevention)	
For your protection and privacy, please press	the Clear188	
This Form button after you have printed the for	rm. Print this form Save this form	Clear this form

	WV-200 Proof of Personal Service	Clerk st	amps date here wh	en form is filed.
	FIGUE OF FEISONAL Service			
	Petitioner (Employer or Collective Bargaining			
\bigcirc	Representative)		DRA	\FT
	Name:	_	2024-0	01-09
(2)	Employee Who Suffered Harassment, Violence, or Three	at	Not opprov	ad by the
-	of Violence		Not approv Judicial	•
\frown	Name:	_		
(3)	Respondent (Person From Whom Protection Is Sought) Name:			
(4)	Notice to Server		ourt name and stree	
\bigcirc	The server must:	Super	for Court of Call	ifornia, County of
	• Be 18 years of age or older.			
	• Not be listed in items (1), (2), or (4) of form WV-100.			
	• Give a copy of all documents checked in (5) below to the responden	t.		
	(You cannot send them by mail.) Then complete and sign this form			
	and give or mail it to the petitioner.	Court fil	lls in case number v	when form is filed.
\bigcirc	PROOF OF PERSONAL SERVICE	Case I	Number:	
(5)	I gave the respondent a copy of the forms checked below:			
	a. WV-109, Notice of Court Hearing			
	b. WV-110, Temporary Restraining Order			
	 c. WV-100, Petition for Workplace Violence Restraining Orders d. WV-120, Response to Petition for Workplace Violence Restraini 	na Ordars	(blank form)	
	e. WV-120, Response to Territori for Workplace Violence Restraint e. WV-120-INFO, How Can I Respond to a Petition for Workplace	-		ders?
	f. WV-130, Workplace Violence Restraining Order After Hearing	,		
	g. WV-250, <i>Proof of Service by Mail</i> (blank form)			
	h. WV-800, <i>Receipt for Firearms and Firearm Parts</i> (blank form)			
_	i. Other (specify):			
6	I personally gave copies of the documents checked above to the respond	ent		
	a. On (date): b. At (time):	a.m. 🗌	p.m.	
	c. At this address:			
			Zip:	
(7)	Server's Information		^ _	
\bigcirc		e:		
	Address:		Zin	
			2.p	
	(If you are a registered process server):	, , .	1	
	declare under penalty of perjury under the laws of the State of California	that the in	formation abov	ve is true and
	prrect.			
D	ate:			
	Type or print server's name	Server	r to sign here	
	Council of California, <u>www.courts.ca.gov</u> wary 1, 2025, Optional Form Proof of Personal Service			WV-200, Page 1 of 1
Code of	Civil Procedure, §§ 527.8, 1011 (Workplace Violence Prevention)		
	our protection and privacy, please press the Clear 189 form button after you have printed the form. Print this form Save	his form		Clear this form

	Proof of Service of	Clerk stamps date here	e when form is filed.
	WV-250 Response by Mail		
1	Petitioner (Employer or Collective Bargaining Representative)	D	RAFT
	Name:	01/0	09/2024
2	Employee Who Suffered Harassment, Violence, or Threat of Violence	•	proved by cial Council
	Name:		
(3)	Respondent (Person From Whom Protection Is Sought)		
\bigcirc	Name:	Fill in court name and s	
(4)	 Notice to Server The server must: Be 18 years of age or older. Be a resident of or employed in the county where the mailing took place. Not be the respondent. 	Superior Court of	California, County of
	Mail a copy of all documents checked in	Court fills in case num	ber when form is filed.
	(5) below to the petitioner or the petitioner's lawyer.	Case Number:	
	• Complete and sign this form and give it to the respondent.		
	PROOF OF SERVICE BY MAIL		
6	 mailing took place. I mailed the petitioner or the petitioner's lawyer a copy a. Form WV-120, <i>Response to Petition for Workplace Violence Restrainin</i> b. Other(specify): I placed copies of the documents listed above in a sealed envelope and mail a. Mailed to (name): b. To this address: 	<i>ng Order</i> (complete led them as describ	
	b. To this address:	State	Zin
	City: c. On <i>(date)</i> : Mailed from: City:	State	State:
7	Server's Information Name:	Selephone:	
	Address: City:		Zip:
	(If you are a registered process server): County of registration: Registration		
	I declare under penalty of perjury under the laws of the State of California correct. Date:	that the information	n above is true and
	Ň		
	Type or print server's name Server to sign	here	
Revised	Council of California, <u>www.courts.ca.gov</u> January 1, 2025, Optional Form Civil Procedure, § 527.8 (Workplace Violence Prevention 190	•	WV-250, Page 1 of 1
	Form button after you have printed the form. Print this form Save this	s form	Clear this form

	WV-260	Proof of Service of C After Hearing by Ma		Clerk stamps	date here when form is filed.
		130, Workplace Violence Restreent by mail if the respondent was	-		DRAFT 2024-01-09
Te	mporary Restrainir	e respondent was personally ser g Order, and proof of service of at the hearing; and		NO	t approved by the udicial Council
	e judges orders in j cept for the expirat	form WV-130 are the same as in on date.	form WV-110	Fill in court na	me and street address:
	Representativ	ployer <mark>or Collective Barg</mark> ∌)			ourt of California, County of
2	Employee Whe	Suffered Harassment, V			
	Name:			Fill in case nur	
3	• •	Restrained Person)		Case Numb	Der:
4	petitioner, the emp	PROOF OF ge or older and live or am emplo loyee, or any person listed in ite <i>Workplace Violence Restrainin</i>	em (4) of form WV-130	•	
4	 petitioner, the emp a. Form WV-130 b.	ge or older and live or am emplo loyee, or any person listed in ite <i>Workplace Violence Restrainin</i> <i>wify):</i>	em (4) of form WV-130 ag Order After Hearing	•. I mailed the	bed below:
4) 5)	 petitioner, the emp a. Form WV-130 b.	ge or older and live or am emplo loyee, or any person listed in ite <i>Workplace Violence Restrainin</i> <i>wify):</i>	em (4) of form WV-130 ag Order After Hearing l envelope and mailed th State:	. I mailed the	bed below:
4 5 6	 petitioner, the emp a. Form WV-130 b.	ge or older and live or am emploidoyee, or any person listed in iteration in the second secon	em (4) of form WV-130 <i>ag Order After Hearing</i> I envelope and mailed th State: I from: City:	 I mailed the nem as describ Telephone: 	bed below:
4 5	 petitioner, the emp a. Form WV-130 b. □ Other (specified of the specified of the	ge or older and live or am emploid loyee, or any person listed in ite <i>Workplace Violence Restrainin</i> <i>wify):</i>	em (4) of form WV-130 ag Order After Hearing l envelope and mailed th State: l from: City:	 I mailed the nem as describ : Telephone: 	bed below: Zip:State:
4 5	 petitioner, the emp a. Form WV-130 b. □ Other (specified of the specified of the	ge or older and live or am emploidoyee, or any person listed in iteration in the second secon	em (4) of form WV-130 ag Order After Hearing l envelope and mailed th State: l from: City:	 I mailed the nem as describ : Telephone: 	bed below: Zip:State:
4 5 6	 petitioner, the emp a. Form WV-130 b. □ Other (special option opt	ge or older and live or am emploidoyee, or any person listed in iteration <i>Workplace Violence Restraining</i> <i>Workplace Violence Restraining</i> <i>Workplace Violence Restraining</i> <i>Workplace Violence Restraining</i> <i>Workplace Violence Restraining</i> <i>Mailed</i> <i>Mailed</i> <i>mation</i> <i>ered process server):</i>	em (4) of form WV-130 ag Order After Hearing l envelope and mailed thState: l from: City:	 I mailed the nem as describe Telephone: State: 	bed below: Zip:State:
4) 5) 6)	 petitioner, the emp a. Form WV-130 b. □ Other (specified) I placed copies of a. Mailed to (nam) b. To this address: City: c. On (date): Server's Inform Name: Address: City: (If you are a registing) 	ge or older and live or am emploidoyee, or any person listed in iteration <i>workplace Violence Restraining eify):</i> the documents above in a sealed <i>ee</i> : Mailed	em (4) of form WV-130 ag Order After Hearing I envelope and mailed thState: I from: City:	 I mailed the nem as described Telephone: State: on number: 	respondent a copy of: bed below: Zip: State: Zip:
4 5	 petitioner, the emp a. Form WV-130 b. □ Other (specified of the specified of the	ge or older and live or am employloyee, or any person listed in iter <i>Workplace Violence Restraining</i> <i>wify):</i> the documents above in a sealed <i>ee)</i> : Mailed <i>mation</i> <i>ered process server):</i> tion:	em (4) of form WV-130 ag Order After Hearing I envelope and mailed th State: I from: City: Registratio of the State of California	 I mailed the nem as described mem as descri	respondent a copy of: bed below: Zip:
4 5 6	 petitioner, the emp a. Form WV-130 b. □ Other (specified of the specified of the	ge or older and live or am employloyee, or any person listed in iteration <i>Workplace Violence Restraining</i> <i>wify):</i> the documents above in a sealed <i>e:</i> Mailed <i>mation</i> <i>ered process server):</i> tion: <i>malty</i> of perjury under the laws of	em (4) of form WV-130 ag Order After Hearing I envelope and mailed th State: I from: City: Registratio of the State of California	 I mailed the nem as described mem as descri	respondent a copy of: bed below: Zip: State: Zip:

For your protection and	l privacy, p	lease pres	s the Clear
This Form button after y	you have p	rinted the	form.

Print this form Save this form

Clear this form

	WV-700	Request to Renew Restraining Order	Clerk stamps below when form is filed.				
(1)	Potitioner (Em	ployer or Collective Bargaining	DRAFT				
U	Representativ		01/09/2024				
	a. Name:	_					
	÷	titioner <i>(if any for this case):</i> State Bar No.:	Not approved by the Judicial Council				
	Firm Name:						
	Address:	u have a lawyer, give your lawyer's information.):	Court name and street address: Superior Court of California, County of				
	City:	State:Zip:					
	Telephone:	Fax:					
	Email Address	S:					
(2)	Employee Wh	o Suffered Harassment, Violence, or Threat	Fill in case number:				
	of Violence		Case Number:				
3	Respondent (Restrained Person)					
	Address (if known	Address (if known):					
	City:						
	I ask the court to a order is attached. a. The order ends b. This is my The order is attached. c. I want the order	first request to renew the order. has been renewed times. er to be renewed for three years other <i>(speci</i>					
and c Date: <i>Type</i>	orrect.	This is not a Court Order.					
Code of For yo		(Workplace Violence Prevention) vacy, please press the Clear have printed the form.					

	VV V – / 111	otice of Hearing to Renew estraining Order	Clerk stamps below when form is filed.
1		ver <mark>or Collective Bargaining</mark>	DRAFT
Ŭ	Representative)		2024-01-09
	a. Name:		
	•	er (if any for this case):	Not approved by the
		State Bar No.:	Judicial Council
	Firm Name:		
	b. Address (If you have	e a lawyer, give your lawyer's information.):	Court name and street address:
	Address:		Superior Court of California, County of
	City:	State:Zip:	
		Fax No.:	
	Email Address:		
	Violence, or Threa		Case Number:
(3)	Respondent (Rest	rained Person)	
	Address (if known):		
			State: Zip:
4	Court Hearing The judge has set a cou	To the Respondent: rt hearing date. <i>Court will fill in box below</i> . ining order stays in effect until the end of the	hearing.
			ress of court if different from above:
	Hearing → Date:	Time:	
	Date Dept.:	Room:	

At the hearing, the judge can renew the current restraining order for up to another three years. You *must* continue to obey the current restraining order until the hearing. At the hearing, you can tell the judge if you do not want the order against you renewed. If the restraining order is renewed, you *must* obey the order even if you do not attend the hearing.

If you wish to make a written response to the request to renew the restraining order, you may fill out form $\underline{WV-720}$, *Response to Request to Renew Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the petitioner at the address in (1) at least days before the hearing. Also file form $\underline{WV-250}$, *Proof of Service of Response by Mail*, with the court before the hearing.

This is a Court Order.

To the Petitioner:

5) Service and Response

Someone age 18 or older—**not you or anyone else protected by the restraining order**—must personally serve (give) a copy of the following forms on the respondent at least days before the hearing.

- <u>WV-700</u>, Request to Renew Restraining Order;
- WV-710, Notice of Hearing to Renew Restraining Order (this form);
- <u>WV-720</u>, Response to Request to Renew Restraining Order (blank copy);
- WV-130, the current Workplace Violence Restraining Order After Hearing for which renewal is requested.

After the respondent has been served, file form <u>WV-200</u>, *Proof of Personal Service*, with the court clerk. For help with service, read form <u>WV-200-INFO</u>, *What Is "Proof of Personal Service"*?

Date:

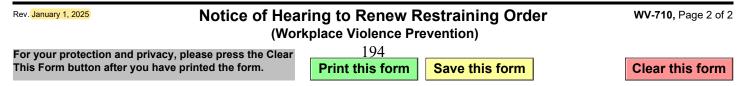
Judicial Officer



Request for Accommodations

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

This is a Court Order.



WV-715 Request to Reschedule Hearing to Renew Restraining Order		•	g to Clerk stamps date here when form is filed.
heari <i>Restr</i>	ng (court date) list <i>caining Order</i> . Not	rty may use this form to ask the court to reschedu ed on form WV-710, <i>Notice of Hearing to Renew</i> e: If the hearing is rescheduled, the restraining or he new court hearing.	V
(1)	My Informatio	n	
\bigcirc	a My name is:		Fill in court name and street address:
	a. wry name is.		Superior Court of California, County of
	b. I am the <i>(chec</i>	k one):	
	(1) Petitic (skip t	oner (employer or collective bargaining represent $o(\mathbf{\hat{2}})$).	tative)
	(2) 🗌 Restra	ained Party (give your contact information below	w).
	Address	where I can receive mail:	Fill in case number:
	This address will be used by the court and by the other p send you official court dates, orders, and papers. For pri may use another address like a post office box, a Safe at address, or another person's address, if you have their permission. If you have a lawyer, give their information	acy, you	
	Address:		
	City:	State:	Zip:
		al contact information (optional)	
	Telephon	e: Fax: Idress:	
	Lawyer's	s information (skip if you do not have one)	
	-	Sta	ate Bar No :
		ne:	

(2) Information About Your Case

- a. The other party in this case is (full name):
- b. The court date is currently scheduled for *(date)*:

This is not a Court Order.

WV-715, Page 1 of 2



3	Why does your court date need to be rescheduled?			
_	a. I need more time to have the restrained party served.			
	b. Other reason:			
4	Signature			
	I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.			
	Date:			
	Type or print your name Sign your name			
5	Lawyer's signature (if you have one)			
	Date:			
	Lawyer's name Lawyer's signature			

Your Next Steps

- Complete form <u>WV-716</u>, Order to Reschedule Hearing to Renew Restraining Order (only items 1) and (2)).
- File forms WV-715 and WV-716 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of all forms listed on form WV-716, item (5). Your server can be the sheriff or another adult who is not involved in the case. For more information on how to serve the restrained person, go to <u>selfhelp.courts.ca.gov/WV-restraining-order/renew/sheriff-serves.</u>
- If the judge denies your request to reschedule, you must go to your court hearing (listed on form WV-710).

Rev. January 1, 2025 Request to Reschedule Hearing to Renew Restraining Order (Workplace Violence Prevention)				WV-715, Page 2 of 2
For your protection and privacy, please press the Clear This Form button after you have printed the form.	196 Print this form	Save this form		Clear this form

	WV-716 Order to Reschedule Hearing to Renew Restraining Order	Clerk stamps date here when form is filed.
(Con	aplete (1) and (2) only. The court will complete the rest of this form.)	
1	Petitioner (Employer <mark>or Collective Bargaining Representative</mark>):	
(2)	Restrained Party:	Fill in court name and street address:
		Superior Court of California, County of
3	Next Court Date	
	a. Denied: The request to reschedule the court date is denied.	
	Your court date is:	Fill in case number: Case Number:
	 The Workplace Violence Restraining Order After Hearing (form WV-130) granted in this case stays in full force and ex until your court date. 	
	(2) Your court date is not rescheduled because:	
	 b. Granted: The request to reschedule the court date is granted. time listed below. The current restraining order stays in effec expiration date, whichever is later. See (4)–(7) for more information. 	t until the hearing date below or the original
	Name a	nd address of court, if different from above:
	New Date: Time: Court Dept.: Room:	
	Date Dept.: Room:	
	Warning and Notice to the Restra You must obey the restraining order while	-

This is a Court Order.

Judicial Council of California,<u>www.courts.ca.gov</u> Rev. January 1, 2025, Mandatory Form Code of Civil Procedure, § 527.8 Order to Reschedule Hearing to Renew Restraining Order (CLETS-WHO) (Workplace Violence Prevention) 197

WV-716, Page 1 of 3

4) Reason Court Date Is Rescheduled

- a. \Box The petitioner has not served the restrained party.
- b. \Box Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. 🗌 Petitioner	b. 🗌 Restrained party	c. Court
(1) You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.	(1) You do not have to serve the petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.	(1) \Box Further notice is not required.
 (2) □ You must have the restrained party personally served with a copy of all the forms listed on form <u>WV-710</u>, item (5), by (<i>date</i>): 	(2) Vou must have the petitioner personally served with a copy of this order by (<i>date</i>):	(2) The court will mail a copy of this order to all parties by <i>(date):</i>
(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (<i>date</i>):	(3) You must have the petitioner served with a copy of this order. This can be done by mail. You must serve by (<i>date</i>):	(3) □ Other:
(4) Other:	(4)	

This is a Court Order.

≻

6) No Fee to Serve (Notify) Restrained Person 🛛 Ordered 🗌 Not Ordered

The sheriff or marshal will serve this order for free because:

- a.
 The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. \Box The person in (1) is entitled to a fee waiver.

(7) 🗌 Other Orders

Date:

Judicial Officer



Request for Accommodations

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

Instructions to Clerk

If the court rescheduled the court date, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

-Clerk's Certificate

Clerk's Certificate

I certify that this *Order to Reschedule Hearing to Renew Restraining Order* (form WV-716) is a true and correct copy of the original on file in the court.

[seal]

Date: ______ Clerk, by: ______, Deputy

This is a Court Order.

This is a Court Order.				
Rev. January 1, 2025 Or	WV-716 , Page 3 of 3			
to Renew	Restraining Order (CLETS-WHO)			
(Workplace Violence Prevention)				
For your protection and privacy, please press the Cle This Form button after you have printed the form.	ar <u>199</u> Print this form Save this form	Clear this form		

DRAFT 01/09/2024 ot approved by Judicial Council
01/09/2024 ot approved by Judicial Council
ourt of California, County of
ourt of California, County of
se number when form is filed. er:
The court will consider your Response
ng. Write your hearing date, lace from Form WV-710 re.
→ Date:
Time:
Room:
ontinue to obey the current order until the hearing. At the court can extend the t you for up to another three
per and write "Attachment
51

	Case Number:
Date:	
Lawyer's name, if you have one	Lawyer's signature

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

Date:

Type or print your name

Sign your name

WAY 720 Order Renewing Workplace Violence	Clerk stamps date here when form is filed.				
WV-730 Restraining Order					
Petitioner (Employer or Collective Bargaining Representative) a. Name:	DRAFT 2024-01-22 Not approved by				
Lawyer for Petitioner <i>(if any for this case):</i> Name:State Bar No.:State Bar No.	the Judicial Council				
b. Address (If you have a lawyer, give your lawyer's information.):					
Address:	Fill in court name and street address:				
City: State: Zip:	Superior Court of California, County of C				
Telephone: Fax:	_				
Email Address:	_				
Employee Who Suffered Harassment, Violence, or Threat					
of Violence	Court fills in case number when form is filed.				
Full Name:	Case Number:				
Respondent (Restrained Person)					
Full Name:					
Address (if known):					
City:					
Hearing There was a hearing on (date): at (time): (Name of judicial officer): These people were at the hearing:	made the orders at the hearing				
a. The petitioner c. The lawyer for the petitioner (name):					
b. \Box The respondent d. \Box The lawyer for the respondent (name	2):				
Additional persons present are listed on Attachment 4.					
Renewal and Expiration					
The request to renew the attached <i>Workplace Violence Restraining Order</i> . (<i>date</i>), is:	After Hearing, originally issued on				
a. GRANTED . The attached order is renewed and will now expire or	1:				
Time: a.m. p.m. or midnight of	on (date):				
If no expiration date is written here, the order expires three years from	om the date of the hearing in item (4) .				
b. DENIED. The attached order expires as stated in item (5) of the order	der.				
Date:					
Judicial Officer					
This is a Court Order.					
Council of California, urts ca.gov Order Renewing Workplace Violence Restu	raining Order WV-730, Page 1				
nuary 1, 2025, Mandatory Form (CLETS)					
ed by DOJ (Workplace Violence Prevention)					
our protection and privacy, please press the Clear 202 Form button after you have printed the form. Print this form Save thi	s form Clear this for				

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	List of All Commenters, Overall Positions on the Proposal, and General Comments					
Commenter		nter Position Comment		Committee Response		
1.	California Department of Justice, Criminal Justice Information Systems Division Justice Data and Investigative Services Bureau, Law Enforcement Support Program by Brittany Phillips Investigative Database Services Section Manager	AM	[See comments below on specific issues.]	No response is required.		
2.	California Department of Justice, Division of Law Enforcement Office of Gun Violence Prevention and the Bureau of Firearms by Ari Freilich Office of Gun Violence Prevention, Director	NI	The Office of Gun Violence Prevention and the Bureau of Firearms, within the Division of Law Enforcement in the California Department of Justice (DOJ), respectfully submit this public comment to share concerns and suggestions regarding inconsistent language and check box items in two existing Gun Violence Restraining Order (GVRO) Forms, the GV-030 and GV- 110. [See comments below on specific issues.]	The committee appreciates the comments provided.		
3.	Giffords Law Center to Prevent Gun Violence by Julia Weber, Esq., MSW Consultant	AM	[See comments below on specific issues.]	No response is required.		
4.	John Hsu, Ph.D Berkeley	AM	I fully agree the Judicial Council's very progressive propositions. Yet, while the statutory languages appears clear, the Judicial	No response is required.		

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	List of All Commenters, Overall Positions on the Proposal, and General Comments			
	Commenter	Position	Comment	Committee Response
			Council, practitioners and all citizens still have guard again purposeful deception by others, []. Please do so warn all the citizens. The Case below illustrates such a case. *[The remainder of this comment submitted on April 29, 2024 and another from the some commenter submitted May 1, 2024 address the details of a specific case and do not address any of the issues in the proposal. For that reason, they are not included here.]	
5.	Orange County Bar Association by Christina Zabat-Fran President	A	The proposed form appropriately addresses the stated purpose. [See comments below on specific issues.]	The committee appreciates the comments provided.
6.	Superior Court of Los Angeles County by Bryan Borys Director of Research and Data Management	AM	The Court agrees with the proposal in SPR24- 31, "Protective Orders: Revisions to Civil Forms to Implement New Law" if it is modified to allow more time for implementation. Six months are needed to update guided interview applications for trial courts that utilize them.	The committee does not recommend delaying implementation. While additional time may be needed to update guided interviews, the committee believes that it is important to have the required forms available as soon as possible, as the legislation went into effect on January 1, 2024.
7.	Superior Court of Riverside County, by Sarah Hodgson Chief Deputy of Legal Services / General Counsel	NI	Does the proposal appropriately address the stated purpose?Yes, it addresses the stated purpose.	The committee appreciates the comments provided.

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, SV-100, SV-100-INFO, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	List of All Commenters, Overall Positions on the Proposal, and General Comments			ral Comments
	Commenter	Position	Comment	Committee Response
			 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? Update to CCPOR Training staff who enters into CLETS or CCPOR Revising procedures to include body armor [See comments below on specific issues.] 	The committee appreciates the information provided.
8.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	 Q: Does the proposal appropriately address the state purpose? A: Yes. Q: Would the proposal provide cost savings? If so, please quantify. A: No Q: What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing 	The committee appreciates the information provided. The committee appreciates the information provided. The committee appreciates the information provided.

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	List of All Commenters, Overall Positions on the Proposal, and General Comments			ral Comments
	Commenter Position		Comment	Committee Response
			 docket codes in case management systems, or modifying case management systems? A: Implementation will require updating internal procedures/local packets and training affected business office and courtroom staff. 	
			 Q: Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? A: 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 provide training to staff, update its internal procedures and local packets, and obtain printed stock. 	The committee appreciates the information provided.
			 Q: How well would this proposal work in courts of different sizes? A: This proposal should work well, regardless of the size of the court. [See comments below on specific issues.] 	The committee appreciates the information provided.
9.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) (TCPJAC/CEAC Joint Rules Subcommittee)	А	The JRS notes that the proposal is required to conform to a change of law.	The committee appreciates the information provided.

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	List of All Commenters, Overall Positions on the Proposal, and General Comments			
	Commenter	Position	Comment	Committee Response
10.	Amanda Wong,	А	[No written comment provided.]	The committee appreciates the information
	Deputy City Attorney			provided.
	Los Angeles			

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	Gun Violence Restraining Order Forms	
Commenter	Comment	Committee Response
California Department of Justice, Criminal Justice Information Systems Division Justice Data and Investigative Services Bureau, Law Enforcement Support Program by Brittany Phillips Investigative Database Services Section Manager	Proposed Rules, Forms, Standards, or Statutes does not include the GV-125. The GV-125 is part of the Gun Violence Form Series and used for individuals who have been served with a Petition for a Gun Violence Restraining Order and want to agree to voluntary give up their firearm rights without a court hearing. Section 3 of the current GV-125 lists: Gun Violence Restraining Order By checking this box and sping this form, lagree to give up my right to own, posses, or purchase freams (gus), freem parts, magzins, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year. This includes firearm receivers and frames, and any iten that may be used as or easily turned into a receiver or frame (see Penal Code section 1631). I understand that the petitioner can request to renew this order for one to five years. Inderstand that the petitioner can request to renew this order for one to five years. Inderstand that the petitioner can request to terminate this order once per year while it is in effect. Section 4 of the current GV-125 lists: Firearms (Guns), Firearn Parts, Ammunition, and Magazines After you file this form, the court will sus a Gun Violence Restraining and Protective Order System, where it will be accessible to all aw enforcement. You cannot own or posses any guns, other firearms (guns), firearm parts, ammunition, or magazines. This includes firearm receipt with the court wills a fire firearms (guns) firearm parts, ammunition, or magazines. This includes firearm receipt with the court. To cancer to all alw enforcement agree, Obsense times any item that may be used as or easily turned into a receiver or frame (see Penal Code section 1631). The true turned in my firearm parts, ammunition, and magazines to a law enforcement encomestance on the system is no your modulate possession or co	The committee appreciates the comments. The omission of form GV-125 from the proposal when it circulated for public comment was inadvertent. In light of this comment the committee recommends revisions to form GV-125 to implement AB 92 as described below.

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, SV-100, SV-100-INFO, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	Gun Violence Restraining Order Forms	
Commenter	Comment	Committee Response
	 CA DOJ Recommendations: 1. CA DOJ would like to recommend that, for consistency purposes, the <u>GV-125 section 3</u> of the form be updated to read: "By checking this box and signing this form, I agree to give up my right to own, possess, or purchase firearms (guns), firearm parts, magazines, ammunition, and Body Armor (as defined in Penal Code section 16288) for the time requested in the petition (between one to five years) or, if no time is specified, then for one year. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receive or frame (see Penal Code section 16531)." 	In light of this comment, the committee recommends adding a new sentence at the end of the bullet point in item 3 of form GV-125 stating that the petitioner is agreeing to give up their right to own, possess, or buy body armor. Additionally, in reviewing form GV-125, the committee noticed that the words describing the firearm prohibition do not track the statutory language like the other forms do. Accordingly, to promote consistency and to reflect the governing statute, the committee recommends that the first sentence of the first bullet point of item 3, read: "By checking this box and signing this form, I agree to give up my right to have in my custody or control, own, purchase, possess, or receive, or attempt to purchase or receive any firearms (guns), firearm parts, magazines, and ammunition for the time requested in the petition (between one to five years) or, if no time is specified, then for one year."
	 2. CA DOJ would like to recommend that the <u>GV-125</u> section 4 be updated to add a bullet that reads: "You cannot own, possess, or purchase body armor (as defined in Penal Code section 16288). You must relinquish any body armor you have in your possession." 	In response to this comment, the committee recommends adding item 5 to form GV-125 alerting individuals to the new body armor prohibitions. Since this form may be filed in lieu of a response form, the committee recommends that this item require respondent to state if they have any body armor, whether it has been surrendered, and whether they will seek an exception to retain the body armor.

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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

	Gun Violence Restraining Order Forms			
Commenter	Comment	Committee Response		
		Additionally, the committee recommends revising the first sentence of the third bullet in item 4 of this form the same way as item 3, described above, to keep the form consistent with the other GV forms.		
California Department of Justice, Division of Law Enforcement Office of Gun Violence Prevention and the Bureau of Firearms by Ari Freilich Office of Gun Violence Prevention, Director	The Office of Gun Violence Prevention and the Bureau of Firearms, within the Division of Law Enforcement in the California Department of Justice (DOJ), respectfully submit this public comment to share concerns and suggestions regarding inconsistent language and check box items in two existing Gun Violence Restraining Order (GVRO) Forms, the GV-030 and GV- 110.	The committee appreciates the information provided.		
	Regarding GV-030 Form (Gun Violence Restraining Order After Hearing on EPO-002 (CLETS-HGV)) Request: Item 5(b) should be deleted from the GV-030 Form and item 5(a)(3) should be moved out of 5(a) and renumbered as 5(b) accordingly. The GV-030 Form's existing language includes some confusing and misleading phrasing in Item 5 that is inconsistent with the underlying statute and with the Judicial Council's other GVRO forms.	The committee agrees that the Penal Code does not require a court to find that the respondent possesses firearms in order for a gun violence restraining order to issue after a hearing on an emergency gun violence restraining order (see Penal Code, §§ 18148 & 18175). Accordingly, the committee recommends that items 5a(3) and 5a(4) in the current version of form GV-030 be renumbered as items 5b and 5c. In reviewing this item and similar items on other forms (item 4 on form GV-110 and item 5 on form GV-		
	On the GV-030 Form, Item 5 is where the court is prompted to document its findings upon issuing a final GVRO After a Hearing in a case that was originally initiated as a Gun Violence Emergency Protective Order (EPO-002). Unfortunately, the numbering and spacing in Item 5(a) wrongly suggest that in order	130), the committee believes the forms could benefit from rewording subitems c for clarity but would like to receive public comment on any such revision. Accordingly, the committee will endeavor to further revise this item and corresponding items on other		

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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	to issue a GVRO, courts must find that the respondent already has firearms in their possession. The language at the top of Item 5(a) states that the court must find by clear and convincing evidence that "the following are true" and then lists subparagraphs (1) through (4) within item 5(a).	forms next year.
	While Items $5(a)(1)$ and $5(a)(2)$ <i>are</i> requirements to issue a GVRO, $5(a)(3)$ (a finding that the court has credible information that the Restrained Person already owns or possess firearms or other prohibited items) is <i>not</i> a requirement to issue a GVRO. But because $5(a)(3)$ is listed below and within Item $5(a)$, this is unclear.	
	We suggest that subparagraph 5(a)(3) be renumbered and spaced separately so it is not construed as a prerequisite for issuing a GVRO. Courts may issue GVROs upon finding that a person's conduct indicates they are a significant danger to self or others because they have the <i>legal ability</i> to access or acquire firearms; the GVRO may proactively prevent harm by rendering the respondent ineligible to acquire firearms and ammunition whether or not they are already known to have firearms in their possession.	
	In other GVRO forms, like the GV-110's analogous Item 4, the check box to indicate that the court received credible information that the respondent possesses firearms is more clearly separated out into a separate paragraph. We urge consistency with this approach in the GV-030.	

Protective Orders: Revisions to Civil Forms to Implement New Law (revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EPO-002, GV-020, GV-020-INFO, GV-030, GV-100, GV-100-INFO, GV-109, GV-110, GV-120, GV-120-INFO, GV-130, SV-100-INFO, SV-109, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-109, WV-110, WV-115, WV-116, WV-120, WV-120-INFO, WV-130, WV-200, WV-250, WV-260, WV-700, WV-710, WV-715, WV-716, WV-720, and WV-730)

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	Additionally, Item 5(b) in the GV-030 is also of concern. Item 5(b) provides a check box for the court to indicate that it is <i>not</i> issuing a GVRO and space to explain why. But the GV-030 form is itself a GVRO court order. (The GV-030 form states "This is a court order"). Item 6 of this form also notifies the respondent receiving the GV-030 form that they are prohibited from possessing firearms as a result of the GVRO. If for whatever reason a court used the GV-030 form to indicate that they are not issuing a GVRO, there would be significant risk of confusion and misreporting of the order. To prevent confusion and inconsistency with other GVRO forms, we suggest that Item 5(b) should be deleted from the GV-030.	The committee agrees that item 5b in the current version of form GV-030 may be confusing in light of the firearm prohibition in item 6 of the form. Accordingly, the committee recommends removing item 5b from the form. The committee understands that courts generally use a minute order to indicate that a petition has been denied.
	Regarding GV-110 Form (Temporary Gun Violence Restraining Order (CLETS-TGV))Request: The first sentence of Item 6(c) should be deleted from the existing GV-110 Form.On the existing GV-110 Form, Item 4(b) provides a check box for the court to indicate whether the respondent owns or possesses firearms (or other prohibited items). As noted above in Comment #1, courts can issue Gun Violence Restraining Orders (GVROs) against respondents who may not yet have known firearms in their possession.However, the first sentence of Item 6(c) on the GV-110 automatically notifies the respondent in all temporary GVRO cases that "the court has received credible information that you own or possess one or more prohibited items that have not been turned in,	The committee believes that the first sentence in item 6(c) of form GV-110 was inadvertently included and thus recommends its removal.

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	 sold, or stored" There is no check box here. We believe this is simply a typo. For some respondents, this will be untrue and inconsistent with the court leaving the check box unmarked in Item 4(b) of the same form GV-110. This first sentence in Item 6(c) does not appear in the otherwise analogous Item 7(c) on the GV-130 Form for GVROs After Hearings and should be deleted from Item 6(c) of the GV-110. 	
Giffords Law Center to Prevent Gun Violence by Julia Weber, Esq., MSW Consultant	Giffords concurs with the comments provided by the Department of Justice's Office of Gun Violence Prevention. Giffords also recommends ongoing training for court staff and judicial officers to support the implementation of these changes to ensure orders can be enforced and are as protective as possible. This should include addressing what constitutes firearm parts, processes for relinquishment, procedures for addressing non-compliance, and approaches to ensure risks associated with firearm access in domestic violence cases and matters involving children are handled as effectively and safely as possible. Giffords supports consistent implementation of firearm-prohibiting remedies in criminal and civil matters. That way, no matter which prohibiting remedy is ordered, similar information about how the prohibited person can comply with the order is provided, and there is appropriate follow up to ensure compliance with the courts' orders. Additionally, when firearm and ammunition orders are made, the	The committee appreciates the information provided.
	Additionally, when firearm and ammunition orders are made, the forms should state, universally, that the person is prohibited "while	this suggestion as it represents a significant change to

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	the order is in place." Currently, it may be misunderstood to suggest that a person will be permanently prohibited from having firearms and ammunition, which is generally inaccurate. See for example GV-30, #6(a) and consider adding, "While this order is in place".	the wording on all protective orders, none of the prohibited conduct language in protective orders is preceded by "while the order is in place." The suggestion is also outside the scope of the current proposal. The committee will consider this suggestion in the future as time and resources permit.
Superior Court of Riverside County by Sarah Hodgson Chief Deputy of Legal Services / General Counsel	Suggestion: Item 8 on form GV-100 be deleted, the "no body armor" statement is unnecessary as the court must first grant the restraining order and a "no body armor" statement is contained on the GV-110, GV-120 and GV-130. Further information about the body armor restriction is provided for both petitioners and respondents on the GV-100-INFO and GV-120-INFO forms.	The committee declines this suggestion because it is appropriate for the petition to include all the relief sought, including any automatic prohibitions that result from the issuance of the restraining order. The committee also points out that it is recommending that similar statements about body armor appear on other restraining order petitions (see, e.g., form CH- 100, item 10).

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	Workplace Violence Restraining Order Forms	
Commenter	Comment	Committee Response
Orange County Bar Association by Christina Zabat-Fran President	Draft form WV-130 already provides for identification of anyone present "at the hearing". The purpose is to provide the respondent with a record for potential appeal that their due process right to confront witnesses against them was preserved.	The committee appreciates the information provided. The committee agrees that form WV-130 as circulated included a checkbox in item 5b for the court to identify anyone present at the hearing.
Superior Court of Riverside County Riverside by Sarah Hodgson Chief Deputy of Legal Services / General Counsel	Suggestion: Form WV-130 should not state the employee must attend the hearing (in person). Instead, they should have the option to appear remotely (via zoom, if available) in case the Judicial Officer has questions or concerns regarding the request.	Code of Civil Procedure, section 527.8 does not require the employee who suffered harassment, violence, or threat of violence to attend the hearing in person, or otherwise, and form WV-130 does not contain any such requirement. The committee does not recommend adding one. The workplace violence restraining order forms currently do not advise any case participants about the ability to appear remotely. The committee will consider adding such information as time and resources permit.
	 Should form WV-130 state whether the employee who suffered harassment, violence, or threat of violence attended the hearing? If so, what purpose does it serve? To be consistent with the other protective order forms and general orders (judicial council forms), this information should be included. 	In reviewing form WV-130 and the comments received, the committee concludes that item 5b is clearer without separate subitems for the employee who suffered harassment, violence, or threat of violence, and their attorney. The committee reached this conclusion because some requests for workplace violence restraining orders are based on threats to multiple employees, who may appear at the hearing as witnesses. These employees are not parties to the case. Accordingly, the committee recommends having item 5 of form WV-130 identify the <i>parties</i>

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Workplace Violence Restraining Order Forms		
Commenter	Comment	Committee Response
		(the petitioner, who will be the employer or the collective bargaining representative, and the respondent) who attended the hearing and having any witnesses (including employees who suffered harassment, violence, or threat of violence) be identified in Attachment 5b.
Superior Court of San Diego County by Mike Roddy Executive Officer	 Q: Should form WV-130 state whether the employee who suffered harassment, violence, or threat of violence attended the hearing? If so, what purpose does it serve? A: Yes. This would be consistent with other Judicial Council order after hearing forms that indicate which parties were present. 	See above response to Superior Court of Riverside County.