



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-196

For business meeting on: December 2, 2022

Title

Protective Orders: Civil Protective Order
Forms Implementing Assembly Bill 1621

Rules, Forms, Standards, or Statutes Affected

Revise forms CH-100, CH-100-INFO,
CH-109, CH-110, CH-120, CH-120-INFO,
CH-130, CH-200, CH-800, CH-800-INFO,
SV-100, SV-100-INFO, SV-109, SV-110,
SV-120, SV-120-INFO, SV-130, SV-200,
SV-800, SV-800-INFO, WV-100,
WV-100-INFO, WV-109, WV-110,
WV-120, WV-120-INFO, WV-130,
WV-200, WV-800, WV-800-INFO

Recommended by

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

Agenda Item Type

Action Required

Effective Date

January 1, 2023

Date of Report

November 2, 2022

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Executive Summary

The Civil and Small Claims Advisory Committee recommends revisions of 30 Judicial Council civil restraining order forms to implement statutory changes in Assembly Bill 1621. The new law addresses “ghost guns,” prohibiting persons restrained under civil restraining orders from possessing firearm parts (in addition to already prohibited firearms). The proposal incorporates these new statutory provisions into the council’s civil restraining order forms and includes updated language concerning interpreters, disability accommodation, and priority of enforcement on the proposed forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the following forms, effective January 1, 2023:

Civil Harassment (CH) forms:

- *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);
- *Proof of Personal Service* (form CH-200);
- *Proof of Firearms Turned In, Sold, or Stored* (CH-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form CH-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

School Violence (SV) forms:

- *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);
- *Proof of Personal Service* (form SV-200);
- *Proof of Firearms Turned In, Sold, or Stored* (SV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form SV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Workplace Violence (WV) forms:

- *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);
- *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 Firearms Turned In, Sold, or Stored* (form WV-800), retitled *Receipt for Firearms and Firearm Parts*; and
- *How Do I Turn In, Sell, or Store My Firearms?* (form WV-800-INFO), retitled *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

The proposed revised forms are attached at pages 10–116.

Relevant Previous Council Action

Under the Code of Civil Procedure, the Judicial Council must provide forms and instructions for use in civil harassment, 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 last substantive change to such forms came earlier this year when the council revised civil harassment forms to implement legislation permitting courts to allow an alternative method of service for civil harassment restraining order petitions.

In September 2022, the Judicial Council revised domestic violence and gun violence restraining order forms effective, January 1, 2023, to implement the firearm provisions of Assembly Bill 1621 (Stats. 2022, ch. 76),¹ the provisions of which are being addressed here in the civil restraining order forms.

Analysis/Rationale

Effective June 30, 2022, for the purposes of civil restraining orders, AB 1621 adds a definition of “firearm” that includes “a completed frame, or receiver, or a firearm precursor part.” (Pen. Code, § 16520.) The term “firearm precursor part” is defined in Penal Code section 16531(a) to include any item that “may readily be . . . converted to be used as the frame or receiver of a functional firearm, or that is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm.” The statutory amendment is intended to include “ghost guns” (unserialized and untraceable firearms and firearm parts that can be bought online and assembled at home) in the items that restrained people cannot possess and must surrender.² This means that a restrained person may not have these parts or homemade firearms for the duration of the order.

While making the revisions implementing AB 1621, the committee recommends revising existing civil restraining order information sheets and orders to update information about

¹ AB 1621 is available at https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1621.

² See, e.g., Assem. Com. On Public Safety, Rep. on Assem. Bill No. 1621 (2021–2022 Reg. Sess.) as amended Mar. 24, 2022, pp. 5–7.

interpreters, disability and court accommodations, and the priority of enforcement among protective orders.

Revisions to implement AB 1621

Petitions, responses, and corresponding information sheets

The civil harassment, private postsecondary school violence, and workplace violence petitions and responses (forms CH-100, CH-120, SV-100, SV-120, WV-100, and WV-120) all contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to “firearm parts” and explains that the firearms and firearm parts include “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 information sheets relating to those forms (forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO) include similar additions explaining that the restraining order can prevent the person subject to the restraining order from having firearms (guns), firearm parts, and ammunition, with the same reference to “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).” In addition, the information sheets include two new links. The first directs the reader to a dedicated Self-Help Guide to the California Courts webpage that provides additional information about the prohibited items a person restrained under most California restraining orders is not allowed to have. The second links to information about the specific restraining order process and provides step-by-step instructions on obtaining such an order.

Orders

This proposal also revises the temporary restraining orders (forms CH-110, SV-110, and WV-110) and the orders after hearing (forms CH-130, SV-130, and WV-130) to separately list and define the prohibited items, including firearm parts with a similar plain-language explanation of the term as is included in the petition and response.³ Where possible, other sections of the forms refer to the new list of defined prohibited items rather than enumerating all the prohibited items each time.⁴

³ When this proposal was circulated for comment in September and October of 2022, the order forms and other forms included information about relinquishing all prohibited items, as is required for gun violence restraining orders. The committee realized, however, that although a person restrained under a civil restraining order is prohibited from *possessing* or *obtaining* firearms (now including firearm parts) and ammunition, the restrained person is only required to *relinquish* firearms and firearm parts (not ammunition). (Code Civ. Proc., §§ 527.6(u), 527.8(s) & 527.85(s).) The committee no longer recommends adding ammunition to the items that must be *relinquished*.

⁴ In response to a comment received on the proposal, the order forms also contain revisions to the item identifying and describing the restrained person (item 2 or 3 on the CH forms and item 3 on the SV and WV forms) to indicate which fields are *required* for the order to be entered into the California Law Enforcement Telecommunications System.

Notice of court hearing

The hearing notices (forms CH-109, SV-109, and WV-109) contain a warning to the restraining order respondents that if the court issues a restraining order, respondents will be required to turn in their firearms. This proposal expands those warnings to include firearm parts.

Forms regarding relinquishment of prohibited items

Because most of the civil protective orders require the restrained person to relinquish their firearms and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, advisory committees recommended new titles and significant reformatting, which was approved by the council at its September meeting for the DV and GVRO forms. This proposal includes similar revisions to forms CH-800, SV-800, and WV-800 proposed to be retitled as *Receipt for Firearms and Firearm Parts*, and forms CH-800-INFO, SV-800-INFO, and WV-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

Such parallel revisions also include adding a check box to forms CH-800, SV-800, and WV-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Space in which to note whether each listed item has been “Sold,” has been “Stored,” or is “To be destroyed” have also been added to those forms. In addition, forms CH-800-INFO, SV-800-INFO, and WV-800-INFO now explains that firearms may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

Proofs of service

The optional proofs of service (forms CH-200, SV-200, and WV-200) include the proof of firearm relinquishment (forms CH-800, SV-800, and WV-800) as one of the forms that can be checked off as having been served. Accordingly, the committee recommends revising the proofs of service to reflect the updated titles of the respective 800-numbered forms.⁵

Other revisions⁶

Interpreter and disability accommodation

The committee also recommends updating the language about interpreters and disability accommodations on forms CH-100-INFO, CH-120-INFO, SV-100-INFO, SV-120-INFO, WV-100-INFO, and WV-120-INFO.

⁵ To correct inadvertent omissions, forms SV-200 and WV-200 have also been updated to add corresponding forms for proof of service by mail (SV-250 and WV-250) to the list of forms that can be checked off as having been served.

⁶ In addition to the revisions described elsewhere, the committee is recommending that any items that collect identifying information about the restrained party or otherwise refer to “sex” be revised to refer instead to “gender” and provide a “nonbinary” option.

The proposed revisions regarding interpreters remove two incorrect statements: that anyone over age 18 and not involved in the case may serve as an interpreter and that parties may have to pay a fee for a court interpreter. The committee instead recommends that the information regarding interpreters on those forms include a reference to forms where litigants may request an interpreter and a link to the Self-Help Guide to the California Courts, a website that provides more information about interpreters and has been translated into several languages

The committee also recommends broadening the language about disability and correcting the name of the *Disability Accommodation Request* (form MC-410) on the forms. The committee proposes that the language on the information sheets about the petitions and responses include reference to a “disability” generally, as opposed to just hearing disabilities and that the forms reference the information sheet about requesting court accommodations.

The committee is recommending to the council similar changes in information sheets for elder or dependent adult abuse restraining orders in a separate proposal.

Order forms—priority of enforcement

Finally, this proposal recommends updating the description of priorities of enforcement set out at the end of each of the order forms (forms CH-110, CH-130, SV-110, SV-130, WV-110, and WV-130), in the Instructions to Law Enforcement section. These revisions are needed to reflect current law and to provide greater clarity. The primary change that the committee recommends is additional language in the section regarding criminal protective orders, which notes that Penal Code section 136.2(e)(2) prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration. In addition, in response to comments received on a parallel proposal revising domestic violence restraining order forms, the committee recommends the following modifications to the forms to clarify and simplify the priority-of-enforcement language:

- Spell out “Emergency Protective Order” instead of using “EPO.”
- Include an example of where to find a no-contact order.
- Use “Criminal Protective Order” instead of “Criminal Order.”
- Change the title of the last item to “Civil Restraining Orders” and provide examples of such orders.
- Modify the language throughout the section to better explain that all nonconflicting order terms must be enforced.
- Explain that the priority of enforcement is applicable only when “more than one restraining order has been issued *protecting the protected person from the restrained person.*” (The italicized language had not been included on the forms previously.)

Identical language is also being recommended by this advisory committee and the Criminal Law Advisory Committee on forms for criminal and elder and dependent adult abuse protective orders in separate proposals.

Policy implications

The revised forms in this proposal reflect new and amended statutes that prohibit restrained individuals from possessing or obtaining firearm parts. Accordingly, the key policy implications of the council's actions are ensuring that council forms reflect the law correctly and are not misleading to parties. The proposed forms should assist courts and parties in navigating new and existing statutory provisions related to civil restraining orders.

Comments

The forms in this proposal circulated for public comment twice. Twelve of the forms first circulated between April 6 and May 13, 2022, as part of the regular 2022 spring comment cycle. This circulation included the revisions described above other than those related to firearms. After the Legislature enacted AB 1621, the committee recommended further revisions to those forms and some other forms to implement the new law. Those proposed revisions were circulated for public comment between September 23 and October 11, 2022.

During the first comment period, comments related to the forms in this proposal were received from the California Partnership to End Domestic Violence, the Family Violence Appellate Project, the Giffords Law Center to Prevent Gun Violence, the Orange County Bar Association, and the Superior Courts of San Bernardino County and San Diego County. During the second comment period, comments were received from the Superior Court of San Diego County, the Bureau of Firearms of the California Department of Justice (BOF), and the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee.

Most of the commenters indicated support of the proposal or that the proposal appropriately addressed its stated purpose. All of the commenters offered suggestions, many of which were accepted by the committee. The significant suggestions are discussed below. The charts with all the all the comments and the committee's responses are attached at pages 117–136.⁷

The term “gun”

BOF suggested that the term “guns” not be used on the form as a plain-language parenthetical explanation of firearms because some guns, such as stun guns or BB guns, do not meet the definition of “firearm” within Penal Code section 16520. The committee believes that using the term “guns” in parentheses after the word “firearms” strikes an appropriate balance between using plain-language terminology and reflecting the statutory language. Because “guns” is in parentheses following the statutory term “firearm,” the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.⁸

⁷ The chart from the first circulation is identified as SPR22-22; the chart from the second circulation is identified as SP22-09.

⁸ Members of the Civil and Small Claims Advisory Committee, the Family and Juvenile Law Advisory Committee, and the Criminal Law Advisory Committee considered the comments relating to firearms and AB 1621 together through the Joint Protective Order Working Group. During the joint meeting, members of each relevant advisory

Describing firearm parts

BOF also suggested that the forms echo the statutory language with regard to firearm parts. Specifically, BOF recommended “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531),” as a replacement for the proposed language of “firearm parts,” with a parenthetical explanation of such parts. The committee considered BOF’s suggestion and several other options and recommends referring to the prohibited items as “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).” Though “firearm parts” is not statutorily defined, the committee believes that it is a helpful plain-language term that will allow restrained persons to understand the prohibition against possessing frames, receivers, and firearm precursor parts. “[A]ny item that may be used as or easily turned into a receiver or frame” is meant to capture the new definition of a “firearm precursor part” under AB 1621.

Alternatives considered

Because AB 1621 restricts restrained persons from possessing or obtaining firearm parts, which is not provided for on the council’s current mandatory civil restraining order forms, the committee determined that taking no action would be inappropriate.

In addition to the alternative language discussed in the Comments section, the committee considered other language to describe firearm parts. Specifically, the committee considered “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531,” which has already been approved for use on domestic violence and gun violence restraining orders by the Judicial Council. In light of comments received, however, the committee unanimously determined that including language to cover AB 1621’s amended definition of “firearm precursor part” in Penal Code section 16531 was appropriate.

Fiscal and Operational Impacts

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate revised forms into their paper or electronic processes and to train court staff. However, the revised forms are intended to assist litigants in understanding the firearm-related items that a restrained person may not properly possess or obtain.

Attachments and Links

1. Forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO,

committee offered their viewpoints and expertise, and the group unanimously agreed to the recommended language included in this proposal—language that is also being recommended by the Criminal Law Advisory Committee for criminal protective orders.

WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, and WV-800-INFO, at pages 10–116

2. Chart of comments SPR22-22 (April 6 to May 13, 2022 circulation), at pages 117–126
3. Chart of comments SP22-09 (September 23 to October 11, 2022 circulation), at pages 127–136
4. Link A: Assem. Bill 1621,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621

Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

1 Person Seeking Protection

a. Your Full Name: _____

Age: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person From Whom Protection Is Sought

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Additional Protected Persons

a. Are you asking for protection for any other family or household members? ☐ Yes ☐ No If yes, list them:

Full Name

Gender

Age

Lives with you?

How are they related to you?

_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—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 3b—Why Others Need Protection" for a title.

This is not a Court Order.



4 Relationship of Parties

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

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

- a. ☐ The person in (2) lives in this county.
 b. ☐ I was harassed by the person in (2) in this county.
 c. ☐ Other (specify): _____

6 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)?

☐ Yes ☐ No (If yes, check each kind of case and indicate where and when each was filed.)

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> 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.)

7 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.

7 a. (3) How did the person in (2) harass you? (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(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):

☐ 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? ☐ Yes ☐ No

If yes, the order protects (check all that apply):

☐ Me ☐ The person in (2) ☐ 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 of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.



Check the orders you want. ☒**8 ☐ Personal Conduct Orders**

I ask the court to order the person in (2) **not** to do any of the following things to me or to any person to be protected listed in (3):

- 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. ☐ 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. ☐ 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 8c—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.

9 ☐ Stay-Away Orders

a. I ask the court to order the person in (2) to stay at least _____ yards away from (*check all that apply*):

- (1) ☐ Me. (8) ☐ My vehicle.
 (2) ☐ The other persons listed in (3). (9) ☐ Other (*specify*):
 (3) ☐ My home.
 (4) ☐ My job or workplace.
 (5) ☐ My school.
 (6) ☐ My children's school.
 (7) ☐ My children's place of child care.

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? ☐ Yes ☐ 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 9b—Stay-Away Orders," for a title.

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.

This is not a Court Order.

11 ☐ **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 CH-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in (2) 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):

☐ 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 11—Temporary Restraining Order" for a title.

12 ☐ **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. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why 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 12—Request to Give Less Than Five Days' Notice" for a title.

13 ☐ **No Fee for Filing or Service**

- a. ☐ There should be no filing fee because the person in (2) has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence.
- b. ☐ The sheriff or marshal should serve (notify) the person in (2) about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. ☐ There should be no filing fee and the sheriff or marshal should serve the person in (2) for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 ☐ **Lawyer's Fees and Costs**

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

The amounts requested are:

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

☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

This is not a Court Order.



15 ☐ **Possession and Protection of Animals**

I ask the court to order the following:

- a. ☐ That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my 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 15a—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.

16 ☐ **Additional Orders Requested**I ask the court to make the following additional orders *(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 16—Additional Orders Requested," for a title.

17 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***This is not a Court Order.**

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, 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).

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

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 [DV-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 FW-001 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 [CH-100, Request for Civil Harassment Restraining Orders](#), and form [CLETS-001, Confidential CLETS Information](#). If you need attachments, you may use form [MC-025](#). You must also fill out items 1 and 2 on form [CH-109, Notice of Court Hearing](#), and items 1, 2, and 3 on form [CH-110, 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 www.courts.ca.gov/forms. 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.

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 **Person Seeking Protection**

a. Your Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

2 **Person From Whom Protection Is Sought**

Full Name: _____

The court will complete the rest of this form.

3 **Notice of Hearing**

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

Name and address of court if different from above:

Hearing Date: _____ Date: _____ Time: _____

Dept.: _____ Room: _____

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

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

(1) ☐ All GRANTED until the court hearing.

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

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

Judicial Council of California, www.courts.ca.gov
Revised July 1, 2018, Mandatory Form
Code of Civil Procedure, § 527.6
Approved by DOJ

Notice of Court Hearing
(Civil Harassment Prevention)

CH-109, Page 1 of 3



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](#).

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/CH-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 <https://selfhelp.courts.ca.gov/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.

DRAFT

10/31/2022

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the Judicial Council**

1 Person Seeking Protection

a. Your Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT**10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**2 Person From Whom Protection Is Sought**

Full Name: _____

*The court will complete the rest of this form.***3 Notice of Hearing****A court hearing is scheduled on the request for restraining orders against the person in ②:****Hearing
Date**→ Date: _____ Time: _____
Dept.: _____ Room: _____Name and address of court if different from above:

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

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

(1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.

(2) ☐ Other (specify): ☐ As stated on Attachment 4b.

⑤ Confidential Information Regarding Minor

a. ☐ A *Request to Keep Minor's Information Confidential* (form CH-160) was made and **GRANTED**. (See form CH-165, *Order on Request to Keep Minor's Information Confidential*, served with this form.)

b. **If the request was granted, the information described in item ⑦ on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.**

⑥ Service of Documents for the Person in ①

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

a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)

b. ☐ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**

c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)

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

e. CH-250, *Proof of Service by Mail* (blank form)

f. ☐ CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped) **IF GRANTED**

g. ☐ Other (specify): _____

Date: _____

Judicial Officer

To the Person in ① :

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

To the Person in ② :

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

**Request for Accommodations**

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

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

① Protected Person

a. Your Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

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

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

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

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

④ Expiration Date

The court will complete the rest of this form.

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

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

This is a Court Order.

To the Person in ② :

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

5 Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

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

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

⑥ Stay-Away Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

- a. You must stay at least _____ yards away from *(check all that apply)*:
- | | |
|--|---|
| (1) <input type="checkbox"/> The person in ① | (7) <input type="checkbox"/> The place of child care of the children of the person in ① |
| (2) <input type="checkbox"/> Each person in ③ | |
| (3) <input type="checkbox"/> The home of the person in ① | (8) <input type="checkbox"/> The vehicle of the person in ① |
| (4) <input type="checkbox"/> The job or workplace of the person in ① | (9) <input type="checkbox"/> Other <i>(specify)</i> :

_____ |
| (5) <input type="checkbox"/> The school of the person in ① | |
| (6) <input type="checkbox"/> 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.

8 Possession and Protection of Animals

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

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

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

9 Other Orders

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

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

To the Person in ① :

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

This is a Court Order.



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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

⑪ No Fee to Serve (Notify) Restrained Person ☐ **Ordered** ☐ **Not Ordered**

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

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

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have 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.

This is a Court Order.



- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

This is a Court Order.



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
[seal]

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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

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

① Person Seeking Protection

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

② Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

③ ☐ Personal Conduct Orders

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

④ ☐ Stay-Away Orders

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

⑤ ☐ Additional Protected Persons

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

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the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

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

**Hearing
Date**

Date: _____ Time: _____

Dept.: _____ Room: _____

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



6 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 MC-025, 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 ☐ is attached. ☐ has already been filed with the court.

7 Possession and Protection of Animals

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

8 Other Orders

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

9 Denial

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



10 ☐ **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 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

11 ☐ **Reasons I Do Not Agree to the Orders Requested**

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 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



12 ☐ **No Fee for Filing**

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

13 ☐ **Lawyer's Fees and Costs**

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

The amounts requested are:

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

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

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

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

What is a civil harassment restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, or ammunition 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 <https://selfhelp.courts.ca.gov/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 [CH-120, Response to Request for Civil Harassment Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. Forms may also be 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 CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

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

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

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

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

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

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

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

Name and address of court if different from above: _____

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

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

(1) ☐ All GRANTED until the court hearing.

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

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

Judicial Council of California, www.courts.ca.gov
Revised July 1, 2014, Mandatory Form
Code of Civil Procedure, § 527.6
Approved by DOJ

Notice of Court Hearing
(Civil Harassment Prevention)

CH-109, Page 1 of 2



How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/CH-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 <https://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](#), or ammunition 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 [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](#).

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT**10/31/2022**

**Not approved by
the Judicial Council**

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

① Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

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

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

Full Name	Gender	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

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

④ Expiration Date

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

Time: _____ ☐ a.m. ☐ p.m. ☐ midnight on (date): _____

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

This is a Court Order.

5 Hearing

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

To the Person in ②:

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

6 ☐ Personal Conduct Orders

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

7 ☐ Stay-Away Orders

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

This is a Court Order.

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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers and frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)
- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

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

9 ☐ Lawyer's Fees and Costs

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

☐ lawyer's fees ☐ costs:

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

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

10 ☐ Possession and Protection of Animals

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

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

This is a Court Order.



11 ☐ **Other Orders** (*specify*):

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

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

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

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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

13 **Service of Order on Restrained Person**

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

14 ☐ **No Fee to Serve (Notify) Restrained Person**

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

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

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

Date: _____

Judicial Officer

This is a Court Order.



Warning and Notice to the Restrained Person in ②:**You Cannot Have 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 item ⑧ above. The court will require you to prove that you did so.

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

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

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DRAFT**10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1 Person Seeking Protection**

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

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

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

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

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

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

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

① Petitioner

Name: _____

② Restrained Person

a. Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

③ To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and 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)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item ④ or ⑤. For more information on how to properly turn in your items, read form CH-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

④

To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use item ⑥, or both. Check below if you have attached a separate form):

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑥.)

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

► Signature of law enforcement agent: _____

5

To Licensed Gun Dealer*(Complete the section below. Keep a copy and give the original to the person in (2).)*

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold**a. Firearms and firearm parts transferred on:**Date: _____ Time: _____ ☐ a.m. ☐ p.m.**b. List of items** *(List all the items surrendered by the person in (2). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item (6). Check below if you have attached a separate form):*☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item (6).)*

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

▶ Signature of licensed gun dealer: _____

6

☐ **List of Items Surrendered**

Firearms and firearm parts		Serial Number, if there is one	To be		
Make	Model		Sold	Stored	destroyed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "CH-800, item 6" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below):

a. ☐ I filed a **Receipt for Firearms and Firearm Parts** (form CH-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns) and firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) and firearm parts.
(Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- 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). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items.
Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form CH-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

Read *How do I Get a Private Postsecondary School Violence Restraining Order?* (form SV-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

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10/31/2022

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the Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____ is

- ☐ the chief administrative officer
- ☐ an officer or employee designated by the chief administrative officer to maintain order on the campus or facility of
(name of private postsecondary educational institution):

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

b. Lawyer for Petitioner (if any for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

c. Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Student in Need of Protection

Full Name: _____

Gender: ☐ M ☐ F ☐ Nonbinary Age: _____**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Personsa. Are you asking for protection for any family or household members or any other students at the campus or facility who are similarly in need of protection? ☐ Yes ☐ No (If yes, list them):

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

☐ Additional protected persons are listed in Attachment 4a.**This is not a Court Order.**

- 4 b. Why do these people need protection? *(Explain)*: ☐ Response is stated in Attachment 4b.

5 Relationship of Student and Respondent

- a. How does the student know the respondent? *(Describe)*: ☐ Response is stated in Attachment 5a.

- b. Respondent ☐ is ☐ is not a current student of petitioner's institution. *(Explain any decision to retain, expel, or otherwise discipline the respondent)*: ☐ Response is stated in Attachment 5b.

6 Venue

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

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

7 Other Court Cases

- a. Has the student or any of the persons named in 4 been involved in another court case with the respondent?

☐ No ☐ Yes *(If yes, check each kind of case and indicate where and when each was filed)*:

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(7)	<input type="checkbox"/> Eviction	_____	_____	_____
(8)	<input type="checkbox"/> Guardianship	_____	_____	_____
(9)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(10)	<input type="checkbox"/> Small Claims	_____	_____	_____
(11)	<input type="checkbox"/> Criminal	_____	_____	_____
(12)	<input type="checkbox"/> Other <i>(specify)</i> : _____	_____	_____	_____

- 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 ☐ Yes *(If yes, attach a copy if you have one.)*

This is not a Court Order.



- 8 f. For any of the incidents described above, did the police come? ☐ Yes ☐ No ☐ I don't know

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*):

☐ the student. ☐ the respondent. ☐ one or more of the persons in 4.

(Attach a copy of the order if you have one.)

Check the orders you want. ☒

9 Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the student 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. ☐ 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 ☐ Stay-Away Order

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

- (1) ☐ The student.
- (2) ☐ The other persons listed in 4.
- (3) ☐ The school.
- (4) ☐ The student's home.
- (5) ☐ The student's job or workplace.
- (6) ☐ The school of the student's children.
- (7) ☐ The place of child care of the student's children.
- (8) ☐ The student's vehicle.
- (9) ☐ Other (*specify*):

This is not a Court Order.



- 10 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.

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.

13 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 SV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

☐ Reasons are stated in Attachment 13.

This is not a Court Order.



14 ☐ **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the student, or stalked the student, or acted or spoken in a manner that has placed the student in reasonable fear of violence.

15 ☐ **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.

17 ☐ **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

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



Signature

Title

I consent to the filing of the Petition.

Date: _____

Name of student



Signature

This is not a Court Order.

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, 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). For more information about the items a restrained person cannot have, please see <https://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 \(form CH-100-INFO\)?](#).

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.
- 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 SV-100)*. 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 SV-109](#)). This form tells the parties when the hearing on the petition will be held.
4. Temporary Restraining Order (TRO) ([form SV-110](#)). A TRO can be issued to provide protection to the student until the hearing is held. It can be issued by the judge either with or without notice to the respondent.



5. *Private Postsecondary School Violence Restraining Order After Hearing (Order)* ([form SV-130](#)). 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 SV-200](#)). 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 www.courts.ca.gov/forms. 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](#).
2. 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 [MC-031, Attached Declaration](#).
3. Fill in *Confidential CLETS Information* ([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 [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:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; 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.



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.

8. 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 [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 <https://selfhelp.courts.ca.gov/request-interpreter>.

9. Have the respondent personally **served** with copies of the **Petition** (form [SV-100](#)), the *Notice of Court Hearing* (form [SV-109](#)), the **TRO** (form [SV-110](#)) (if issued), a blank **Response** (form [SV-120](#)), and a blank *Proof of Service of Response by Mail* (form [SV-250](#)). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the student, or anyone to be protected by the order. For help with service, ask the court clerk for form [SV-200-INFO, What Is "Proof of Personal Service"?](#)

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

10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form [SV-200](#)). Take the signed original and 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 [MC-\(30, Declaration\)](#).)

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.

SV-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
① Petitioner (Educational Institution Officer or Employee) a. Name: _____ Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____ b. Address (If you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-Mail Address: _____		Fill in court name and street address: Superior Court of California, County of _____ Fill in case number: Case Number: _____
② Student in Need of Protection Full Name: _____ ③ Respondent (Person From Whom Protection Is Sought) Full Name: _____		
The court will complete the rest of this form.		
④ Notice of Hearing A court hearing is scheduled on the request for restraining orders against the respondent: <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px; margin-right: 10px;">Hearing Date</div> <div> Date: _____ Time: _____ Dept.: _____ Room: _____ </div> <div style="margin-left: 20px;"> Name and address of court if different from above: _____ _____ </div> </div>		
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 , <i>Request for Private Postsecondary School Violence Restraining Orders</i> , are (check only one box below): (1) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)		



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 [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*](#).

Information about the process is also available online.

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

For help in your area, contact:

[Local information may be inserted.]

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

DRAFT

10/31/2022

Not approved by
the Judicial Council**1 Petitioner (Educational Institution Officer or Employee)**

a. Name:

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

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

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

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form SV-100, Request for Private Postsecondary School Violence Restraining Orders, are (check only one box below):

(1) ☐ All **GRANTED** until the court hearing.(2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

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

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

6 Service of Documents by the Petitioner

At least ☐ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form SV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

- a. SV-100, *Petition for Private Postsecondary School Violence Restraining Orders* (file-stamped)
- b. ☐ SV-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- d. SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- e. SV-250, *Proof of Service of Response by Mail* (blank form)
- f. ☐ Other (*specify*): _____

Date: _____

Judicial Officer

To the Petitioner:

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



To the Respondent:

- If you want to respond to the request for orders in writing, file form SV-120, *Response to Request 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).**

**Request for Accommodations**

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

Lawyer for Petitioner (if any, for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT**10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of**2 Student (Protected Person)**

Full Name: _____

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

Court fills in case number when form is filed.

Case Number:

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 ☐ Additional Protected Persons

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

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

☐ Additional protected persons are listed at the end of this Order on Attachment 4.**5 Expiration Date***This Order expires at the end of the hearing scheduled for the date and time below:*Date: _____ Time: _____ ☐ a.m. ☐ p.m.**This is a Court Order.**

To the Person in ②:

The court has 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 Hearing ☐ Granted as Follows:

a. You are ordered **not** do the following things to the student

☐ and to the other protected persons listed in ④:

- (1) ☐ Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☐ Commit acts of violence or make threats of violence against the person.
- (3) ☐ Follow or stalk the person during school hours or to or from the school.
- (4) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5) ☐ Enter the person's school.
- (6) ☐ Take any action to obtain the person's address or locations. If this item is not checked, the court has found good cause not to make this order.
- (7) ☐ Other (*specify*):
☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(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.

⑦ Stay-Away Order

☐ Not Requested ☐ Denied Until the Hearing ☐ Granted as Follows:

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

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

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

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 SV-800) for the receipt.)
- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 Other Orders

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

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

To the Person in 1:**10 Mandatory Entry of Order Into CARPOS Through CLETS**

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

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the petitioner or the petitioner's lawyer should 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 Agency

Address (City, State, Zip)

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

This is a Court Order.

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

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

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

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

Date: _____

*Judicial Officer***Warnings and Notices to the Restrained Person in 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.

This is a Court Order.

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 WV-120-INFO, *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 WV-120, *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 WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form 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 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).)

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

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

1. **Emergency Protective Order (EPO):** If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order:** If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(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

This is a Court Order.

Response to Petition for Private Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

Not approved by
the Judicial Council

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

- Read *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-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 pages. (Use form SV-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-109, item ④ here:

Hearing
Date

Date: _____ Time: _____

Dept.: _____ Room: _____

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

4 ☐ Personal Conduct Orders

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

5 ☐ Stay-Away Orders

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



6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.
- b. ☐ 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 firearm 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 MC-025, 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 ☐ is attached. ☐ has already been filed with the court.

8 ☐ **Other Orders**

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

9 ☐ **Denial**

I did not do anything described in item **(8)** of form SV-100. *(Skip to **(11)** .)*

10

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 10—Justification or Excuse” as a title. You may use form MC-025, Attachment.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

11

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 11—Reasons I Disagree” as a title. You may use form MC-025, Attachment.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

12 ☐ **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 FW-001, Request to Waive Court Fees, must be filed separately.*)

13 ☐ **Costs**

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

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

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

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

Date: _____

Lawyer's name (if any)

▶

Lawyer's signature

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

Date: _____

Type or print your name

▶

Sign your name

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:

- 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, or ammunition 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 <https://selfhelp.courts.ca.gov/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 SV-120, 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 [MC-025](#). You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. 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-110 (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail for you must fill out form [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.

SV-109 Notice of Court Hearing		Clerk stamps date here when form is filed.
① Petitioner (Educational Institution Officer or Employee) a. Name: _____ Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____ b. Address (If you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-Mail Address: _____		Fill in court name and street address: Superior Court of California, County of _____ Fill in case number: Case Number: _____
② Student in Need of Protection Full Name: _____		
③ Respondent (Person From Whom Protection Is Sought) Full Name: _____		
The court will complete the rest of this form.		
④ Notice of Hearing A court hearing is scheduled on the request for restraining orders against the respondent: <div style="border: 1px solid black; padding: 5px;"> Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____ Name and address of court if different from above: _____ </div>		
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) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)		

Judicial Council of California, www.courts.ca.gov
 Revised January 1, 2012, Mandatory Form
 Code of Civil Procedure, § 527.85
 Approved by DOJ

Notice of Court Hearing
 (Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued 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 <https://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 <https://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](#), or ammunition 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](#).

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

Private Postsecondary School Violence Restraining Order After Hearing

Clerk stamps date here when form is filed.

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

2 Student (Protected Person)

Full Name: _____

Court fills in case number when form is filed.

Case Number: _____

3 Respondent (Restrained Person)

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

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 ☐ Additional Protected Persons

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

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

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

5 Expiration Date

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

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

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

This is a Court Order.



6 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☐ The petitioner/school representative *(name)*: _____
- (2) ☐ The lawyer for the petitioner/school *(name)*: _____
- (3) ☐ The student (4) ☐ The lawyer for the student *(name)*: _____
- (5) ☐ The respondent (6) ☐ The lawyer for the respondent *(name)*: _____
- ☐ Additional persons present are listed at the end of this Order on Attachment 6b.
- c. ☐ The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

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

7 Personal Conduct Orders

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

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

8 Stay-Away Orders

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

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

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

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

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

b. **Prohibited items are:**

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

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

- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any **firearms (guns) and firearm parts** in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that your **firearm (guns) and firearm parts** have been turned in, sold, or stored. (You may use **Receipt for Firearms and Firearm Parts** (form SV-800) for the receipt.)

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

e. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (3) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

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

This is a Court Order.



10 ☐ **Costs**

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

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

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

11 ☐ **Other Orders** (*specify*):

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

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

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

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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

13 **Service of Order on Respondent**

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

This is a Court Order.

14 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____

Judicial Officer

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

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get **any prohibited items listed in item 9b on page 3** while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any **firearms (guns) and firearm parts** that you have or control as stated in item **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, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item **5** on page 1.

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate
[seal]

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

I certify that this *Private Postsecondary School Violence Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1**, **2**, or **4** of Form SV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

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

- a. ☐ SV-109, *Notice of Court Hearing*
- b. ☐ SV-110, *Temporary Restraining Order*
- c. ☐ SV-100, *Petition for Private Postsecondary School Violence Restraining Orders*
- d. ☐ SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (blank form)
- e. ☐ SV-120-INFO, *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?*
- f. ☐ SV-130, *Private Postsecondary School Violence Restraining Order After Hearing*
- g. ☐ SV-250, *Proof of Service by Mail* (blank form)
- h. ☐ SV-800, *Receipt for Firearms and Firearm Parts* (blank form)
- i. ☐ Other (specify): _____

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

- a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name_____
Server to sign here**DRAFT****10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT**10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**4 To the Respondent:**

If a judge has ordered you to turn in, sell, or store your firearms (guns) and 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)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **5** or **6**. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

5 To Law Enforcement(Complete the section below. Keep a copy and give the original to the person in **3**.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered**a. Firearms and firearm parts transferred on:**Date: _____ Time: _____ ☐ a.m. ☐ p.m.**b. List of items (List all the items surrendered by the person in **3**. You may attach a separate form from your agency (e.g., a property report), use item **7**, or both. Check below if you have attached a separate form):**☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item **7**.)

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

► Signature of law enforcement agent: _____

6

To Licensed Gun Dealer*(Complete the section below. Keep a copy and give the original to the person in ③.)*

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.b. List of items *(List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):*☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item ⑦.)*

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

▶ Signature of licensed gun dealer: _____

7

☐ **List of Items Surrendered**

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "SV-800, item 7" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below:)

a. ☐ I filed a **Receipt for Firearms and Firearm Parts** (form SV-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- 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). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items.
Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form SV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-SV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

Petition for Workplace Violence Restraining Orders

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form WV-100-INFO) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

a. Name: _____

is a ☐ corporation ☐ sole proprietorship☐ (specify): _____

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

b. Lawyer for Petitioner (if any for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

c. Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Employee in Need of Protection

Full Name: _____

Gender: ☐ M ☐ F ☐ Nonbinary Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

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

☐ Yes ☐ No (If yes, list them):

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

☐ Additional protected persons are listed in Attachment 4a.

This is not a Court Order.

4 b. Why do these people need protection? *(Explain)*:

☐ Response is stated in Attachment 4b.

5 Relationship of Employee and Respondent

a. How does the employee know the respondent? *(Describe)*: ☐ Response is stated in Attachment 5a.

b. Respondent ☐ is ☐ is not a current employee of petitioner. *(Explain any decision to retain, terminate, or otherwise discipline the respondent)*: ☐ Response is stated in Attachment 5b.

6 Venue

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

a. ☐ The respondent lives in this county.

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

c. ☐ Other *(specify)*: _____

7 Other Court Cases

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

☐ No ☐ Yes *If yes, check each kind of case and indicate where and when each was filed:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Small Claims	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other <i>(specify)</i> : _____	_____	_____	_____

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.



8 Description of Respondent's Conduct

- a. Respondent has (*check one or more*):
- (1) ☐ Assaulted, battered, or stalked the employee
 - (2) ☐ Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.
- b. One or more of these acts (*check either or both*):
- (1) ☐ Took place at the employee's workplace
 - (2) ☐ Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: _____

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

☐ Response is 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.

This is not a Court Order.

- 8 f. For any of the incidents described above, did the police come? ☐ Yes ☐ No ☐ I don't know

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*):

☐ the employee ☐ the respondent ☐ one or more of the persons in ④.

(*Attach a copy of the order if you have one.*)

Check the orders you want ☒

9 ☐ Personal Conduct Orders

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. ☐ 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 ☐ Stay-Away Orders

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

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

This is not a Court Order.



- 10 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 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.

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.

13 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 WV-200-INFO explains what is proof of personal service. Form WV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

☐ Reasons are stated in Attachment 13.

This is not a Court Order.

14 ☐ **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.

15 ☐ **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.

17 ☐ **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

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



Signature

Title

This is not a Court Order.

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 unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have 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).
For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

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

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

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 the employer wishes to apply to the court for an order prohibiting harassment, see [Can a Civil Harassment Restraining Order Help Me? \(form CH-100-INFO\)](#).

Who can an employer protect under this law?

Under this statute, an employer 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.

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 is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered unlawful violence or a credible threat of violence from any individual;
2. The unlawful violence 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 \(Petition\) \(form WV-100\)](#). This form tells the judge the facts of the petitioner's case and what orders the petitioner and employee 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 \(form WV-109\)](#). This form tells the parties when the hearing on the petition will be held.
4. [Temporary Restraining Order \(TRO\) \(form WV-110\)](#). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. [Workplace Violence Restraining Order After Hearing \(Order\) \(form WV-130\)](#). 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 \(form WV-200\)](#). 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 www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

Do I need a lawyer?

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer'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 has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. 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 your employee 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 WV-100](#)). You may use [form MC-031, Attached Declaration](#).
3. Fill in [Confidential CLETS Information \(form CLETS-001\)](#) 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 violence or credible threats of violence and the problems they have caused your employee.

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:
 - (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; 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 employee, 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 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.
8. If the employee does not 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 <https://selfhelp.courts.ca.gov/request-interpreter>.
9. Have the respondent personally **served** with copies of the **Petition** (form WV-100), the *Notice of Court Hearing* (form WV-109), the **TRO** (form WV-110) (if issued), a blank **Response** (form [WV-120](#)), and a blank [Proof of Service of Response by Mail \(form WV-250\)](#). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older, other than you, the employee, or anyone to be protected by the order. 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.

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10/31/2022

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WV-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 [WV-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 WV-200) 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.

WV-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 **Petitioner (Employer)**

a. Name: _____
Lawyer for Petitioner (if any for this case):
Name: _____ State Bar No.: _____
Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

2 **Employee in Need of Protection**
Full Name: _____

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

The court will complete the rest of this form.

4 **Notice of Hearing**
A court hearing is scheduled on the request for restraining orders against the respondent:

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

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.)

Judicial Council of California, www.courts.ca.gov
Revised January 1, 2012. Mandatory Form
Code of Civil Procedure, § 527.8
Approved by DOJ

Notice of Court Hearing
(Workplace Violence Prevention)

WV-109, Page 1 of 3

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 [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](#).

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/WV-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

1 Petitioner (Employer)

a. Name: _____

Lawyer for Petitioner (if any for this case): _____

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Employee in Need of Protection**

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____

*The court will complete the rest of this form.***4 Notice of Hearing****A court hearing is scheduled on the request for restraining orders against the respondent:****Hearing
Date**→ Date: _____ Time: _____
Dept.: _____ Room: _____
Name and address of court if different from above: _____
_____**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 unlawful violence or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) ☐ Other (*specify*): ☐ As stated on Attachment 5b.

6 Service of Documents by the Petitioner

At least ☐ five ☐ _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form WV-109, *Notice of Court Hearing*, to the respondent along with a copy of all the forms indicated below:

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

Date: _____

Judicial Officer

To the Petitioner:

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



To the Respondent:

- If you want to respond to the request for orders in writing, file form WV-120, *Response to Request for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form WV-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any **firearms (guns) and firearm parts** that you own or possess. **This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).**

**Request for Accommodations**

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

1 Petitioner (Employer)

a. Name: _____

Lawyer for Petitioner (if any, for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**2 Employee (Protected Person)**

Full Name: _____

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

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 Additional Protected Persons

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

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

☐ Additional protected persons are listed at the end of this Order on Attachment 4.**5 Expiration Date***This Order expires at the end of the hearing scheduled for the date and time below:*Date: _____ Time: _____ ☐ a.m. ☐ p.m.**This is a Court Order.**

To the 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.

6 Personal Conduct Orders

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

a. You are ordered **not** do the following things to the employee

☐ and to the other protected persons listed in (4):

- (1) ☐ Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
- (2) ☐ Commit acts of violence or make threats of violence against the person.
- (3) ☐ Follow or stalk the person during work hours or to or from the place of work.
- (4) ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
- (5) ☐ 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) ☐ Other (*specify*):
☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(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.

7 Stay-Away Order

☐ **Not Requested** ☐ **Denied Until the Hearing** ☐ **Granted as Follows:**

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

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

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

This is a Court Order.

8 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:
- (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 WV-800) for the receipt.)
- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

9 Other Orders

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

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

To the 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. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the employer or the employer's lawyer should 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 Agency

Address (City, State, Zip)

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

This is a Court Order.

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

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

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

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

Date: _____

*Judicial Officer***Warnings and Notices to the Restrained Person in 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 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.

This is a Court Order.

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 WV-120-INFO, *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 WV-120, *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 WV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form 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 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).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

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

1. **Emergency Protective Order (EPO)**: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. **No-Contact Order**: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(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

This is a Court Order.

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

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

- Read *How Can I Respond to a Petition for Workplace Violence Restraining 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 pages. (*Use form WV-250, Proof of Service of Response by Mail.*)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (*You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.*)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from form WV-109, item (4) here:

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

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

4 ☐ Personal Conduct Orders

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

5 ☐ Stay-Away Orders

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



6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.
- b. ☐ 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 MC-025, 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 ☐ is attached. ☐ has already been filed with the court.

8 ☐ **Other Orders**

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

9 ☐ **Denial**

I did not do anything described in item **(8)** of form SV-100. (*Skip to **(11)**.*)



12 ☐ **No Fee for Filing**

- a. ☐ 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. ☐ I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (*Form FW-001, Request to Waive Court Fees, must be filed separately.*)

13 ☐ **Costs**

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

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

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

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

Date: _____

Lawyer's name (if any) *Lawyer's signature*

I declare under penalty of perjury under the laws of the State of California that the information above 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:

- Not contact the employee who is protected by the order
- Stay away from the employee and the employee's home, workplace, and other places
- Not have any firearms (guns), firearm parts, or ammunition 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 <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

Who can ask for a workplace violence restraining order?

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

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 [WV-120, 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 MC-025. You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. 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 WV-120 to the person named in item ① of the petition form WV-110 (or that person's lawyer). (This is called "service by mail.")

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

Should I go to the court hearing?

Yes. You should go to court on the date listed on form WV-109, *Notice of Court Hearing*. If you do not go to 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.
① Petitioner (Employer) a. Name: _____ Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____ b. Address (If you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ E-Mail Address: _____		Fill in court name and street address: Superior Court of California, County of _____ Fill in case number: Case Number: _____
② Employee in Need of Protection Full Name: _____		
③ Respondent (Person From Whom Protection Is Sought) Full Name: _____		
The court will complete the rest of this form.		
④ Notice of Hearing A court hearing is scheduled on the request for restraining orders against the respondent: <div style="border: 1px solid black; padding: 5px;"> Hearing Date: _____ Date: _____ Time: _____ Dept.: _____ Room: _____ Name and address of court if different from above: _____ </div>		
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) <input type="checkbox"/> All GRANTED until the court hearing. (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.) (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)		



How long does the order last?

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

Yes. Assume that the employee will attend the hearing. Do not talk to him or her unless the judge or 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 <https://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 [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 <https://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, or ammunition 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 [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](#).

DRAFT

10/31/2022

**Not approved by
the Judicial Council**

DRAFT**10/31/2022****Not approved by
the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**1 Petitioner (Employer)**

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Employee (Protected Person)

Full Name: _____

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

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

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

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

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

4 ☐ Additional Protected Persons

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

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

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

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

This is a Court Order.

6 Hearing

- a. There was a hearing on (date): _____ at (time): _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☐ The petitioner/employer (name): _____
- (2) ☐ The lawyer for the petitioner/employer (name): _____
- (3) ☐ The employee (4) ☐ The lawyer for the employee (name): _____
- (5) ☐ The respondent (6) ☐ The lawyer for the respondent (name): _____
- ☐ Additional persons present are listed at the end of this Order on Attachment 6b.
- c. ☐ The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Respondent:

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

7 Personal Conduct Orders

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

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

8 Stay-Away Orders

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

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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.
- c. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your custody or control or that you possess or own.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form WV-800) for the receipt.)
- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.
- e. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (3) is not required to relinquish this firearm (*specify make, model, and serial number of firearm(s)*): _____

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

This is a Court Order.



10 ☐ **Costs**

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

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

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

11 ☐ **Other Orders** (*specify*):

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

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

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

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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

13 **Service of Order on Respondent**

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

This is a Court Order.

14 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____

Judicial Officer

Warning and Notice to the Respondent:

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

Unless item 9e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 9b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 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, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 5 on page 1.

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

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

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

Clerk's Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items **1**, **2**, or **4** of form WV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

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

- 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 Restraining Orders* (blank form)
- e. ☐ WV-120-INFO, *How Can I Respond to a Petition for Workplace Violence Restraining Orders?*
- f. ☐ WV-130, *Workplace Violence Restraining Order After Hearing*
- g. ☐ **WV-250, *Proof of Service by Mail* (blank form)**
- h. ☐ **WV-800, *Receipt for Firearms and Firearm Parts* (blank form)**
- i. ☐ Other (specify): _____

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

c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

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the Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DRAFT

10/31/2022

Not approved by
the Judicial Council

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and 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)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item 5 or 6. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

5 To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in 3.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items (List all the items surrendered by the person in 3. You may attach a separate form from your agency (e.g., a property report), use item 7, or both. Check below if you have attached a separate form):

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item 7.)

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

Signature of law enforcement agent: _____

6

To Licensed Gun Dealer*(Complete the section below. Keep a copy and give the original to the person in ③.)*

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold**a. Firearms and firearm parts transferred on:**Date: _____ Time: _____ ☐ a.m. ☐ p.m.**b. List of items (List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):**☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑦.)

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

▶ Signature of licensed gun dealer: _____

7

☐ **List of Items Surrendered**

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "WV-800, item 7" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below):

a. ☐ I filed a **Receipt for Firearms and Firearm Parts** (form WV-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those **firearms (guns) or firearm** parts along with this proof.

c. ☐ I have not yet filed the proof for the other **firearms (guns) or firearm parts**.
(Explain why not):

Your 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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- 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). There may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items.
Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form WV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
1.	California Partnership to End Domestic Violence by Christine Smith Public Policy Coordinator Sacramento	AM	<p>Does the proposal appropriately address the stated purpose?</p> <p>Our recommendation is that the CH-100-INFO also include the “What if I don’t speak English?” question and answer in the five languages listed in Civil Code 1632, specifically Spanish, Chinese, Vietnamese, Korean and Tagalog. We also recommend that the question “What if I have a disability” and answers be provided in a larger font to assist those with visual impairment.</p> <p>We also align with the comments submitted by Giffords Law Center.</p>	<p>The committee declines these suggestions. First, the information is currently available in multiple languages in two places: 1) on translations of the INFO sheets in Spanish, Chinese, Vietnamese, and Korean; and 2) on the web in these four languages, plus Arabic, Farsi, Punjabi, Russian, and Tagalog. Second, the committee appreciates the font suggestion but would want to consider such a change in the context of all forms with this information in order to provide consistency across forms and form sets and thus the suggestion is beyond the scope of this proposal.</p>
2.	Family Violence Appellate Project by Cory Hernandez Staff Attorney Oakland	NI	<p>On behalf of Family Violence Appellate Project (FVAP), I write to offer comments on ITC SPR22-22.</p> <p>FVAP is a legal service support center and the only nonprofit organization in California dedicated to representing domestic violence survivors in civil appeals for free. FVAP is devoted to ensuring domestic violence survivors can live in healthy safe environments, free from abuse. This includes a commitment to improving how survivors—and all litigants—are treated in civil court.</p> <p>We generally appreciate changing sex to gender on the forms.</p> <p>Part of the idea for these changes was to make the civil restraining order forms similar to DVRO forms, which have been recently updated. For instance, asterisks/stars should be placed on page 1 next to information about the protected and</p>	<p>In light of this comment, an instructional parenthetical and asterisks/stars have been included with the information about the restrained party that is required to enter the order into CARPOS.</p>

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			restrained parties that is needed to implement the order into CLETS/CARPOS.	
3.	Giffords Law Center to Prevent Gun Violence by Julia Weber Implementation Director San Francisco	AM	On behalf of Giffords Law Center to Prevent Gun Violence, we appreciate the opportunity to comment on these important proposals. Thank you to Judicial Council staff and committee members for your work to make these proposals as responsive as possible.	The committee appreciates the information provided.
			We recommend use of consistent language across all civil restraining orders and that avoids unnecessary duplication. For example, the heading on #7, pg. 9 for the Temporary Order should be changed to: No Firearms (Guns) and Ammunition. Pg. 11 should similarly indicate that the person cannot have firearms (guns) not “or” because “other firearms” is confusing.	In light of this comment and others received, the forms now use “firearms (gun)” in lieu of “guns or other firearms.”
			This shows up on the INFO forms and throughout the packet.	In light of this comment and others received, the information sheets now also use “firearms (gun)” in lieu of “guns or other firearms.”
			Each time the firearm exemption under FC 6389(f) or CCP 527.9 is mentioned (such as in #8 on pg. 18), language that includes the requisite findings should be included, such as, “A mandatory psychological evaluation of the defendant, a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, was conducted on _____[insert checkbox]. The court finds that the officer does not pose a threat of harm. [insert check box]	The committee declines the suggestion at this time as it is beyond the scop of the proposal. The committee will consider this suggestion at a later date as time and resources permit.

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			Defendant must enter into counseling or other remedial treatment program to deal with any propensity for domestic violence. Pg. 20 warning heading should be changed to ...firearms (guns) and ammunition.	
			These requests for changes should be reviewed for all forms in this proposal and related civil restraining order forms so that the language is consistent where the laws are the same with changes only where the law may be different.	The committee notes that proposed revisions and modifications were made consistently across all forms in this proposal.
4.	Orange County Bar Association by Daniel S. Robinson President	A	The proposal appropriately addresses the stated purpose.	The committee appreciates the information provided.
5.	Superior Court of San Bernardino County	NI	<p>Summary: The Civil and Small Claims Advisory Committee recommends revising several Judicial Council civil protective order forms to update the information they contain relating to interpreters, disability accommodations, and priority of enforcement.</p> <p>Request for Specific Comments in addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:</p> <ul style="list-style-type: none"> Does the proposal appropriately address the stated purpose? Yes <p>The advisory committee [or other proponent] also seeks comments from courts on the following cost and implementation matters:</p>	The committee appreciates the information provided.

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			<p>Would the proposal provide cost savings? If so, please quantify. None</p> <p>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? Notification to staff, update packets.</p> <p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes</p> <p>How well would this proposal work in courts of different sizes? Size shouldn't impact.</p>	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer	AM	<p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Would the proposal provide cost savings? If so, please quantify. No.</p> <p>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? Updating local packets.</p>	The committee appreciates the information provided.

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			<p>Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <p>Yes, if the final versions of the forms are provided to the court by that time. This will ensure that the court is able to update local packets and obtain printed stock.</p> <p>How well would this proposal work in courts of different sizes?</p> <p>It appears that the proposal would work for courts of all sizes.</p>	
			<p>OTHER COMMENTS:</p> <p>CH-110: Item 7 No Guns or Other Firearms and Ammunition: 7b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.</p>	The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			7c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 7d) and revising corresponding items on the petition (item 10) and response (item 6) to include reference to whether the respondent possesses ammunition.
			<p>Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms:</p> <p>Propose changing to “Possession of Guns or</p>	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			Other Firearms and Ammunition ” to be consistent with item 7.	
			CH-120-INFO: What if I have a gun?: Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			CH-130: Item 8 No Guns or Other Firearms and Ammunition: 8b: Propose that items that are currently bullets be made (1) and (2) respectively to be consistent with the other restraining order forms (e.g. EA-130, SV-130, WV-130). Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	The committee declines this suggestion as Code of Civil Procedure, section 527.6(u)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 10) and response (item 6) to include reference to whether the respondent possesses ammunition.
			Warnings and Notices to Restrained Person in 2 (Page 5): You Cannot Have Guns or Firearms: Propose changing to “You Cannot Have Guns or Other	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			Firearms and Ammunition ” to be consistent with item 8. Propose adding “ammunition” to the second sentence.	
			SV-110: Item 8 No Guns or Other Firearms and Ammunition: 8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms: Propose changing to “Possession of Guns or Other Firearms and Ammunition ” to be consistent with item 8.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			SV-120-INFO: What if I have a gun?: Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			SV-130: Item 9 No Guns or Other Firearms and Ammunition: 9b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	The committee declines this suggestion as Code of Civil Procedure, section 527.85(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			9c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 9d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			Warnings and Notices to Restrained Person in 2 (Page 5): You Cannot Have Guns or Firearms: Propose changing to “You Cannot Have Guns or Other Firearms and Ammunition” to be consistent with item 9. Propose adding “ammunition” to the second sentence.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			WV-110: Item 8 No Guns or Other Firearms and Ammunition: 8b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the	The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
			alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	
			8c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item (now item 8d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			Warnings and Notices to Restrained Person in 2 (Page 4): Possession of Guns or Firearms: Propose changing to “Possession of Guns or Other Firearms and Ammunition” to be consistent with item 8.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”
			WV-120-INFO: What if I have a gun?: Propose that “ammunition” be added to the second sentence. As written, it does not appear that the restrained party has to sell/store or file receipt with the court.	The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			WV-130: Item 9 No Guns or Other Firearms and Ammunition: 9b(1) and (2): Propose that “ammunition” be added to the items that are to be sold or stored and for which a receipt must be filed. As written, it does not appear that the restrained party has to sell/store or file receipt with the court. In the alternative renumber and organize item similar to proposed DV-110 included in SPR22-20.	The committee declines this suggestion as Code of Civil Procedure, section 527.8(s)(1) and (2) requires restrained persons to relinquish firearms, but does not require them to relinquish ammunition.
			9c: Propose that “ammunition” be added.	In light of this comment, the committee recommends including “ammunition” in this item

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

SPR22-22

Protective Orders: Updating Civil Protective Order Forms (Revise forms CH-100-INFO, CH-110, CH-120-INFO, CH-130, SV-100-INFO, SV-110, SV-120-INFO, SV-130, WV-100-INFO, WV-110, WV-120-INFO, and WV-130)

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

	Commenter	Position	Comment	Committee Response
				(now item 9d) and revising corresponding items on the petition (item 11) and response (item 7) to include reference to whether the respondent possesses ammunition.
			Warnings and Notices to Restrained Person in 2 (Page 5): You Cannot Have Guns or Firearms: Propose changing to “You Cannot Have Guns or Other Firearms and Ammunition ” to be consistent with item 9. Propose adding “ammunition” to the second sentence.	In light of this and other comments received, the heading has been changed to “You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition.”

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

SP22-09

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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

	Commenter	Position	Comment	Committee Response
1.	California Department of Justice, Division of Law Enforcement, Bureau of Firearms by Charlie Sarosy Deputy Attorney General	AM	<p>The Bureau of Firearms (BOF), within the Division of Law Enforcement in the California Department of Justice, respectfully submits this public comment regarding the revisions made to 30 Judicial Council civil restraining orders forms pursuant to Assembly Bill 1621 (Stats. 2022, ch. 76) (AB 1621). The Invitation to Comment specifically requested comments on what language for a “plain-language definition for firearm parts is preferable.” BOF submits this public comment to address this request.</p> <p>For the sake of brevity, this comment will not speak to each of the 30 forms within Item SP22-09. It is also unnecessary because each form makes the same, or a similar, revision that this comment seeks to address. Specifically, each revised form describes three categories of prohibited items resulting from a restraining order: (1) “firearms (guns)”;</p> <p>(2) “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”;</p> <p>and (3) “ammunition.”</p> <p>For the reasons described below, the following revisions are recommended for all 30 forms: (1) that the phrase “Firearms (Guns), Firearm Parts, and Ammunition” be revised to “Firearms, Receivers/Frames, Firearm Precursor Parts, and Ammunition”;</p> <p>and (2) that the phrase “firearms</p>	<p>The committee appreciates the information provided.</p> <p>The committee declines this recommendation as the proposed language is not plain language and may not be understandable by a significant portion of court users</p>

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

SP22-09

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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

	Commenter	Position	Comment	Committee Response
			<p>(guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition” be revised to “firearms, receivers/frames, firearm precursor parts (as defined in Penal Code section 16531), or ammunition.”</p> <p>As to the first category, “firearms (guns),” the use of “guns” in a parenthetical to presumably attempt to describe a “firearm” in plain language is unnecessary and potentially confusing. The term “firearm” has a statutory definition that does not use the word “gun” or otherwise refer to a “gun.” Under Penal Code section 16520, subdivision (a), “firearm” is defined as “a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.” Not all guns meet this definition of a firearm. Thus, equating a firearm with a gun, and vice versa, is incorrect.</p> <p>For example, there are separate statutory definitions for a blowgun (Pen. Code, § 16270), stun gun (Pen. Code, § 17230), and an imitation firearm such as a BB device, spot marker gun, or airsoft gun (Pen. Code, § 16700). These separately defined guns are subject to different statutory restrictions and punishments from those that apply to firearms. (Compare Pen. Code, Part 6, Title 3 [“Weapons and Devices Other than Firearms”])</p>	<p>The committee disagrees. The term “gun” is only included as a parenthetical plain-language explanation of the statutory term “firearm.” Because “guns” follows the statutory term, “firearm,” the committee believes there is little chance form users would understand the term to include items such as stun guns or BB guns.</p>

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SP22-09

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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			<p>with Pen. Code, Part 6, Title 4 ["Firearms"].) The Background section in the Invitation to Comment described the need for the revision to be a result of AB 1621, which "prohibits individuals restrained under most civil protective orders" from possessing firearms, with a citation to Penal Code section 16520, subdivision (b)(24), (26). However, as just described, "guns" are not included within the definition of firearm in Penal Code section 16520 and the term "guns" can include items that are defined under other statutes. Therefore, equating "firearms" with "guns" will possibly confuse the court and the restrained person as to which items are prohibited pursuant to the restraining order. Moreover, the three Judicial Council criminal law forms revised in Item SP22-12 do not use the phrase "firearms (guns)," so inconsistency exists across these civil law and criminal law forms.</p> <p>Accordingly, it is recommended that the parenthetical use of "guns" be stricken and the phrase "firearms (guns)" simply read as "firearms."</p> <p>There are also some inaccuracies with regards to the second category previously described, "firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)." First, the term "firearm parts" is not a</p>	<p>The committee declines this suggestion for the reasons stated above.</p> <p>The committee recommends the use of "firearm parts" as a plain language term to refer to frames, receivers, and firearm precursor parts. The committee believes that a significant portion of court users would better understand what items are</p>

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SP22-09

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			<p>term used by the BOF, or other law enforcement agencies, to collectively refer to receivers, frames, and unfinished receivers or frames. In addition to being an unfamiliar term, “firearm parts” also lacks any statutory definition. Thus, using this term in 30 court forms will create a new term that lacks a statutory basis and one that is not used by the agencies tasked with enforcing the restraining orders.</p> <p>Second, connecting “unfinished receiver or frame” with Penal Code section 16531 is inaccurate because AB 1621 eliminated these terms from section 16531. Before AB 1621, section 16531 defined a “firearm precursor part” as “a component of a firearm that is necessary to build or assemble a firearm and is described in either of the following categories: (1) An unfinished receiver . . . (2) An unfinished handgun frame.” (Former Pen. Code, § 16531, subd. (a).) But AB 1621 amended section 16531 and replaced the previously-described definition of a firearm precursor part with the following: “any forging, casting, printing, extrusion, machined body or similar article [1] that has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm, or [2] that is marketed or sold to the public to become or be used as the frame or receiver of a functional</p>	<p>prohibited through the use of the term “firearm parts.”</p> <p>The committee agrees, in part, and will replace “unfinished receiver or frame” with “any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).”</p>

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SP22-09

Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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			<p>firearm once completed, assembled or converted.” (Pen. Code, § 16531, subd. (a).) The terms “unfinished receiver” and “unfinished frame” no longer appear in Penal Code section 16531 because of AB 1621. Indeed, this fact is acknowledged at page 4, footnote 6 in Item SP22-09’s Invitation to Comment. Thus, continuing to use those terms and tying them to section 16531 contradicts the current wording of the statute. Moreover, the BOF does not use “unfinished receiver or frame” in its Firearm Precursor Part Identification Guidebook, available here, https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Foag.ca.gov%2Fsystem%2Ffiles%2Fmedia%2Fbof-reg-rev-fpp-id-guidebook.pdf&data=05%7C01%7CKhayla.Salangsang%40jud.ca.gov%7C27b9b48f4a0640f1637808daabe07332%7C10cfa08a5b174e8fa245139062e839dc%7C0%7C0%7C638011277727651444%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikh1aWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=uEvOIR36jf%2FbMdW5v4quZlrP0dDKxwyeL5nKe%2B5nJH8%3D&reserved=0, or in the related regulations. (See also Cal. Code Regs., tit. 11, § 4303.)</p> <p>Accordingly, it is recommended that “firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531)”</p>	<p>The committee declines this recommendation for the reasons stated above.</p>

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			<p>be replaced with: “receivers/frames, firearm precursor parts (as defined in Penal Code section 16531).”</p> <p>This recommended iteration is clearer because the terms “receiver” and “frame” are defined under California regulations (Cal. Code Regs., tit. 11, § 4303(a)(3), (6)), and federal regulations (Definition of “Frame or Receiver” and Identification of Firearms, 87 Fed. Reg. 24652, 24739, codified at 27 C.F.R. pts. 447, 478 and 479). Although “firearm precursor part” might be a relatively new term, the reference to the specific Penal Code section will assist with understanding its meaning. A plain language description of a “firearm precursor part” would likely be too cumbersome because of the two categories of such an item, i.e., a readily convertible item or a marketed/sold item. (Pen. Code, § 16531, subd, (a).)</p> <p>This recommended iteration is also more consistent with the wording in Penal Code section 16520, subdivision (b), which is the basis for including this language in these court forms. That language states: “As used in the following provisions, ‘firearm’ includes the frame or receiver of the weapon: weapon, including both a completed frame or receiver, or a firearm precursor part.” (Pen. Code, § 16520, subd. (b).)</p>	

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			<p>Using this recommended iteration would ensure that law enforcement agencies remove the correct items from restrained and prohibited persons, which would avoid the need for duplicative law enforcement efforts resulting from prohibited persons maintaining possession of items they should not have. Moreover, this iteration would avoid the possibility of an unknown term, “firearm parts,” being used in the California Restraining and Protective Order System (CARPOS), which collects the information in these forms and orders so that law enforcement agencies can enforce these orders and be aware of the restrained person, should they come across them in the field.</p> <p>Although there is a separate statutory definition for a “federally regulated firearm precursor part” under Penal Code section 16519, it is unnecessary to mention that term because such an item is considered a firearm pursuant to federal law, and thus would fall within the meaning of a “firearm.”</p>	<p>The committee agrees that “federally regulated firearm precursor part” does not need to be mentioned.</p>
2.	Superior Court of San Diego County by Mike Roddy Executive Officer	A	<p>Does the proposal appropriately address the stated purpose? Yes.</p> <p>Which parenthetical plain-language definition for firearm parts is preferable:</p>	<p>The committee appreciates the information provided.</p> <p>In light of this and other comments the committee has modified the description of prohibited items to refer to: “any firearms (guns), firearm parts, and ammunition. This includes firearm receivers and</p>

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Protective Orders: Civil Protective Order Forms Implementing Assembly Bill 1621 (Revise forms CH-100, CH-100-INFO, CH-109, CH-110, CH-120, CH-120-INFO, CH-130, CH-200, CH-800, CH-800-INFO, SV-100, SV-100-INFO, SV-109, SV-110, SV-120, SV-120-INFO, SV-130, SV-200, SV-800, SV-800-INFO, WV-100, WV-100-INFO, WV-109, WV-110, WV-120, WV-120-INFO, WV-130, WV-200, WV-800, WV-800-INFO)

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	Commenter	Position	Comment	Committee Response
			<ul style="list-style-type: none"> “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531” “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)” Some other language? <p>The first option, which is consistent with the language adopted on the recently revised domestic violence forms.</p> <p>Would the proposal provide cost savings? If so, please quantify. No.</p> <p>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? Revisions to internal procedures, local packets, and training for staff.</p> <p>Would one month from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p>	<p>frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).” The committee anticipates that it and other advisory committees that are part of the Joint Protective Order Working Group will recommend the use of consistent language describing prohibited items across protective order forms as other forms are revised.</p> <p>The committee appreciates the information provided about court implementation matters.</p>

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			<p>Yes, provided the final versions of the forms are provided to the court at that time. This will ensure the court is able to train staff, modify local packets, and obtain printed stock.</p> <p>How well would this proposal work in courts of difference sizes? It appears that the proposal would work for courts of all sizes.</p>	
3.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and the Court Executives Advisory Committee (CEAC) by TCPJAC/CEAC Joint Rules Subcommittee	A	<p>Please check all of the following <i>significant</i> fiscal and/or operational impacts that this proposal may or will create for the trial courts. For each fiscal or operational impact, please provide an explanatory comment below. Insofar as you are able, please quantify the fiscal or operational impact by dollar amount, staff resources, etc.</p> <ul style="list-style-type: none"> <input type="checkbox"/> 1. Significant fiscal impact. <input checked="" type="checkbox"/> 2. Impact on existing automated systems (e.g., case management system, accounting system, technology infrastructure or security equipment, Jury Plus/ACS, etc.)? <input type="checkbox"/> 3. Trial court labor or employment related issues and/or concerns. <input checked="" type="checkbox"/> 4. Requires development of local rules and/or forms. <input type="checkbox"/> 5. Results in additional training, which requires the commitment of staff time and court resources. 	The committee appreciates the information provided about court implementation matters.

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

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	Commenter	Position	Comment	Committee Response
			<div data-bbox="787 418 1375 722"> <input type="checkbox"/> 6. Increases court staff workload. <input type="checkbox"/> 7. Changes the responsibilities of the presiding judge and/or supervising judge. <input type="checkbox"/> 8. Impact on court security. <input type="checkbox"/> 9. Impact on local or statewide justice partners. <input type="checkbox"/> 10. Proposed date for implementation is not feasible or is problematic. <input type="checkbox"/> 11. Other major fiscal or operational impacts. </div> <p data-bbox="787 755 1375 1055">Currently there is not a check box to include civil, elder or criminal protective orders with Firearm Relinquishment Orders on the CCPOR. Protective orders Firearm Relinquishment Orders information must be written into the text free form box which has limited characters. It would be extremely helpful to have CCPOR updated to include check boxes for the protective orders with Firearm Relinquishment Orders.</p>	<p data-bbox="1413 755 2011 1120">CCPOR refers to the California Courts Protective Order Registry, a statewide system administered by the Judicial Council for storing restraining and protective orders that is accessible to judicial officers to reduce the issuance of conflicting orders. The registry also has a gateway for entering orders into the Department of Justice's California Restraining and Protective Order System (CARPOS). The comment is, however, beyond the scope of the proposal and has been passed along to staff that administers CCPOR.</p>

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