



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27–28, 2016

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Title

Rules and Forms: Miscellaneous Technical  
Changes

Agenda Item Type

Action Required

Effective Date

January 1, 2017

Rules, Forms, Standards, or Statutes Affected  
Amend Cal. Rules of Court, rule 8.200; revise  
forms CR-160, CR-161, DV-101, EPO-002,  
and MC-600

Date of Report

October 13, 2016

Recommended by

Judicial Council staff

Susan R. McMullan, Senior Attorney  
Legal Services

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### Executive Summary

Various Judicial Council advisory committee members, members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

### Recommendation

The staff to the Judicial Council recommends that the council, effective January 1, 2017:

1. Amend rule 8.200(a) of the California Rules of Court to correct an internal reference from “(c)(6)” to “(c)(7).”
2. Revise *Criminal Protective Order—Domestic Violence* (form CR-160), and *Criminal Protective Order—Other Than Domestic Violence* (form CR-161) to implement Assembly Bill 307 (Campos; ch. 291, 2013), which added the phrase “or subject to mandatory supervision,” to Penal Code section 136.2(i)(1). Forms CR-160 and CR-161 would be

revised to add the phrase to the Warnings and Notices on each of the forms (paragraph 6 on form CR-160 and paragraph 5 on form CR-161).

3. Revise *Description of Abuse* (form DV-101), an optional attachment to *Request for Domestic Violence Restraining Order* (form DV-100), to be consistent with changes made to DV-100 effective July 1, 2016. Form DV-100 was revised to allow the applicant to describe a second incident of abuse. Form DV-101 would be revised to make it consistent with the format on form DV-100, specifically to allow the applicant to describe other incidents of abuse without requiring the applicant to provide the “second most recent incident of abuse.”
4. Revise *Firearms Emergency Protective Order* (EPO-002), item 2, to clarify that a receipt must also be filed if any firearms have been surrendered to law enforcement: “You must ~~then~~ file a receipt proving surrender, sale, or storage with the court.”
5. Revise *Petition to Determine if Dog is Potentially Dangerous or Vicious* (MC-600) to reflect a change to the Food and Agricultural Code, section 31603, deleting the first definition of “vicious dog” (sub. a: “Any dog seized under Section 599aa of the Penal Code and upon the sustaining of a conviction of the owner or keeper under subdivision (a) of Section 597.9 of the Penal Code.”)

Copies of the revised rule and forms are attached at pages 3–13.

### **Previous Council Action**

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

### **Rationale for Recommendation**

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

### **Comments, Alternatives Considered, and Policy Implications**

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

### **Implementation Requirements, Costs, and Operational Impacts**

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

### **Attachments and Links**

1. Cal. Rules of Court, rule 8.200, at page 3
2. Forms CR-160, CR-161, DV-101, EPO-002, and MC-600 at pages 4–13

Rule 8.200 of the California Rules of Court is amended, effective January 1, 2017, to read:

**Rule 8.200. Briefs by parties and amici curiae**

**(a) Parties' briefs**

(1)–(3) \* \* \*

(4) No other brief may be filed except with the permission of the presiding justice, unless it qualifies under (b) or (c) ~~(6)~~ (7).

(5) \* \* \*

**(b)–(c) \* \* \***

**Advisory Committee Comment**

\* \* \*

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> VS. DEFENDANT:	
<b>CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE</b> <b>(CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), 368(f), and 646.9(k))</b> <input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2 <input type="checkbox"/> MODIFICATION <input type="checkbox"/> PROBATION CONDITION ORDER (Pen. Code, § 1203.097) ORDER UNDER: <input type="checkbox"/> PENAL CODE, § 136.2(i)(1) <input type="checkbox"/> PENAL CODE, § 273.5(j) <input type="checkbox"/> PENAL CODE, § 368(f) <input type="checkbox"/> PENAL CODE, § 646.9(k)	CASE NUMBER:

**This Order May Take Precedence Over Other Conflicting Orders; See Item 4 on Page 2.**

PERSON TO BE RESTRAINED ( <i>complete name</i> ):									
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Ht.:	Wt.:	Hair color:	Eye color:	Race:	Age:	Date of birth:		

1. This proceeding was heard on (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
by judicial officer (*name*): \_\_\_\_\_
2. **This order expires on (*date*): \_\_\_\_\_ . If no date is listed, this order expires three years from date of issuance.**
3. ☐ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:

5. ☐ For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following animals:
6. ☐ The court has information that the defendant owns or has a firearm or ammunition, or both.

**GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**

7. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
8. **must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.**  
☐ The court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control and sets a review hearing for (*date*): \_\_\_\_\_ to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code Civ. Proc., § 527.9. (Cal. Rules of Court, rule 4.700.)  
☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(f). The defendant is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_
9. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise. ☐ The court finds good cause not to make the order in item 10.
11. ☐ must be placed on electronic monitoring for (*specify length of time*): \_\_\_\_\_ . (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv) and Pen. Code, § 136.2(i)(2).)
12. ☐ must have no personal, electronic, telephonic, or written contact with the protected persons named above.
13. ☐ must have no contact with the protected persons named above through a third party, except an attorney of record.
14. ☐ must not come within \_\_\_\_\_ yards of the protected persons and animals named above.
15. ☐ must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.
16. ☐ may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:
  - a. ☐ the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (*date*): \_\_\_\_\_
  - b. ☐ any Family, Juvenile, or Probate court order issued *after* the date this order is signed.
17. ☐ The protected persons may record any prohibited communications made by the restrained person.
18. ☐ Other orders including stay-away orders from specific locations:

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) Department/Division: \_\_\_\_\_

## WARNINGS AND NOTICES

1. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this protective order may be punished as a misdemeanor, a felony, or a contempt of court. Taking or concealing a child in violation of this order may be a felony and punishable by confinement in state prison, a fine, or both. Traveling across state or tribal boundaries with the intent to violate the order may be punishable as a federal offense under the Violence Against Women Act, 18 U.S.C. § 2261(a)(1) (1994).
2. **NOTICE REGARDING FIREARMS.** Any person subject to a protective order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. The person subject to these orders must relinquish any firearms (by surrendering the firearm to local law enforcement, or by selling or storing it with a licensed gun dealer) and not own or possess any firearms during the period of the protective order. (Pen. Code, § 136.2(d).) Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.

Specified defendants may request an exemption from the firearm relinquishment requirements stated in item 8 on page 1 of this order. *The court must check the box under item 8 to order an exemption from the firearm relinquishment requirements.* If the defendant can show that the firearm is necessary as a condition of continued employment, the court may grant an exemption for a particular firearm to be in the defendant's possession only during work hours and while traveling to and from work. If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

3. **ENFORCING THIS ORDER IN CALIFORNIA**

- This order must be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Fam. Code, § 6383.)

4. **CONFLICTING ORDERS-PRIORITIES FOR ENFORCEMENT**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:**

- a. *Emergency Protective Order:* If one of the orders is an Emergency Protective Order (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders. (Pen. Code, § 136.2(c)(1)(A).)
- b. *No-Contact Order:* If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
- c. *Criminal Order:* If none of the orders include a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
- d. *Family, Juvenile, or Civil Order:* If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

5. **CERTIFICATE OF COMPLIANCE WITH VIOLENCE AGAINST WOMEN ACT (VAWA).** This protective order meets all Full Faith and Credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994). This court has jurisdiction over the parties and the subject matter, and the restrained person has been afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. This order is valid and entitled to enforcement in each jurisdiction throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, and shall be enforced as if it were an order of that jurisdiction.

6. **EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS**

- These orders are effective as of the date they were issued by a judicial officer.
- These orders expire as ordered in item 2 on page 1 of this order, **or as explained below.**
- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (See *People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1), 273.5(j), 368(l), and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, **or subject to mandatory supervision**, or if imposition of sentence is suspended and the defendant is placed on probation.
- Orders under Penal Code section 1203.097(a)(2) are probationary orders, and the court has jurisdiction as long as the defendant is on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*.

7. **CHILD CUSTODY AND VISITATION**

- Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
- Unless box a or b in item 16 on page 1 is checked, contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
- If box a or b in item 16 on page 1 is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>FOR COURT USE ONLY</b>
<b>PEOPLE OF THE STATE OF CALIFORNIA</b> VS. DEFENDANT:	
<b>CRIMINAL PROTECTIVE ORDER—OTHER THAN DOMESTIC VIOLENCE (CLETS - CPO) (Pen. Code, §§ 136.2, 136.2(i)(1), and 646.9(k))</b> <input type="checkbox"/> ORDER UNDER PENAL CODE, § 136.2 <input type="checkbox"/> MODIFICATION <b>ORDER UNDER:</b> <input type="checkbox"/> PENAL CODE, § 136.2(i)(1) <input type="checkbox"/> PENAL CODE, § 646.9(k)	CASE NUMBER:

PERSON TO BE RESTRAINED (*complete name*):

Sex: ☐ M ☐ F    Ht.:    Wt.:    Hair color:    Eye color:    Race:    Age:    Date of birth:

1. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
by judicial officer (name): \_\_\_\_\_
  2. **This order expires on (date): \_\_\_\_\_ . If no date is listed, this order expires three years from date of issuance.**
  3. ☐ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
  4. **FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON:**
  5. ☐ The court has information that the defendant owns or has a firearm or ammunition, or both.
- GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**
6. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
  7. **must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.**  
☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(f). The defendant is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_
  8. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
  9. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise. ☐ The court finds good cause not to make the order in item 9.
  10. ☐ must be placed on electronic monitoring for (*specify length of time*): \_\_\_\_\_ . (Not to exceed one year from the date of this order. Pen. Code, § 136.2(a)(1)(G)(iv), and Pen. Code, § 136.2(i)(2).)
  11. ☐ must have no personal, electronic, telephonic, or written contact with the protected persons named above.
  12. ☐ must have no contact with the protected persons named above through a third party, except an attorney of record.
  13. ☐ must not come within \_\_\_\_\_ yards of the protected persons named above.
  14. ☐ may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 11, 12, or 13 of this order, only for the safe exchange of children and court-ordered visitation as stated in:
    - a. ☐ the Family, Juvenile, or Probate court order in case number: \_\_\_\_\_ issued on (date): \_\_\_\_\_
    - b. ☐ any Family, Juvenile, or Probate court order issued *after* the date this order is signed.
  15. ☐ The protected persons may record any prohibited communications made by the restrained person.
  16. Other orders including stay-away orders from specific locations:

Executed on: \_\_\_\_\_ (DATE) \_\_\_\_\_ (SIGNATURE OF JUDICIAL OFFICER) Department/Division: \_\_\_\_\_

## WARNINGS AND NOTICES

1. **VIOLATION OF THE ORDER IS SUBJECT TO CRIMINAL PROSECUTION.** Violation of this protective order may be punished as a felony, a misdemeanor, or contempt of court.
2. **NOTICE REGARDING FIREARMS.** Any person subject to a protective order is prohibited from owning, possessing, purchasing or attempting to purchase, receiving or attempting to receive, or otherwise obtaining a firearm. Such conduct is subject to a \$1,000 fine and imprisonment. The person subject to these orders must relinquish any firearms (by surrendering the firearm to local law enforcement, or by selling or storing it with a licensed gun dealer) and not own or possess any firearms during the period of the protective order. (Pen. Code, § 136.2(d).) Under federal law, the issuance of a protective order after hearing will generally prohibit the restrained person from owning, accepting, transporting, or possessing firearms or ammunition. A violation of this prohibition is a separate federal crime.

Specified defendants may request an exemption from the firearm relinquishment requirements stated in item 7 on page 1 of this order. *The court must check the box under item 7 to order an exemption from the firearm relinquishment requirements.* If the defendant can show that the firearm is necessary as a condition of continued employment, the court may grant an exemption for a particular firearm to be in the defendant's possession only during work hours and while traveling to and from work. If a peace officer's employment and personal safety depend on the ability to carry a firearm, a court may grant an exemption that allows the officer to carry a firearm on or off duty, but only if the court finds, after a mandatory psychological examination of the peace officer, that the officer does not pose a threat of harm. (Code Civ. Proc., § 527.9(f).)

### 3. ENFORCING THIS ORDER IN CALIFORNIA

- This order must be enforced in California by any law enforcement agency that has received the order or is shown a copy of the order or has verified its existence on the California Law Enforcement Telecommunications System (CLETS).
- Law enforcement must determine whether the restrained person had notice of the order. If notice cannot be verified, law enforcement must advise the restrained person of the terms of the order and, if the restrained person fails to comply, must enforce it. (Code Civil Proc., § 527.6.)

### 4. CONFLICTING ORDERS-PRIORITIES FOR ENFORCEMENT

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:**

- a. *Emergency Protective Order:* If one of the orders is an Emergency Protective Order (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders. (Pen. Code, § 136.2(c)(1)(A).)
- b. *No-Contact Order:* If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
- c. *Criminal Order:* If none of the orders include a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
- d. *Family, Juvenile, or Civil Order:* If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

### 5. EFFECTIVE DATE AND EXPIRATION DATE OF ORDERS

- These orders are effective as of the date they were issued by a judicial officer.
- These orders expire as ordered in item 2 on page 1 of this order, **or as explained below.**
- Orders under Penal Code section 136.2(a) are valid as long as the court has jurisdiction over the case. They are not valid after imposition of a county jail or state prison commitment. (See *People v. Stone* (2004) 123 Cal.App.4th 153.)
- Orders issued under Penal Code sections 136.2(i)(1) and 646.9(k) are valid for up to 10 years and may be issued by the court whether the defendant is sentenced to state prison, county jail, **or subject to mandatory supervision**, or if imposition of sentence is suspended and the defendant is placed on probation.
- To terminate this protective order, courts should use form CR-165, *Notice of Termination of Protective Order in Criminal Proceeding (CLETS)*.

### 6. CHILD CUSTODY AND VISITATION

- Child custody and visitation orders may be established or modified in Family, Juvenile, or Probate court.
- Unless box a or b in item 14 on page 1 is checked, contact between the restrained and protected persons permitted by a Family, Juvenile, or Probate court order for child custody or visitation must not conflict with the provisions of this order.
- If box a or b in item 14 on page 1 is checked, the restrained and protected persons should always carry a certified copy of the most recent child custody or visitation order issued by the Family, Juvenile, or Probate court.

This form is attached to DV-100, *Request for Domestic Violence Restraining Order*.

- [illegible]





**FIREARMS EMERGENCY PROTECTIVE ORDER**1. **RESTRAINED PERSON** (insert name of subject): \_\_\_\_\_Sex: ☐ M ☐ F Ht.: \_\_\_\_\_ Wt.: \_\_\_\_\_ Hair color: \_\_\_\_\_ Eye color: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_ Date of birth: \_\_\_\_\_2. **TO THE RESTRAINED PERSON** (Also see important Warnings and Information on Page 2):

**YOU MUST NOT** own, possess, purchase, receive, or attempt to purchase or receive any firearm or ammunition. If you have any firearms or ammunition, you **MUST IMMEDIATELY SURRENDER THEM IN A SAFE MANNER TO LAW ENFORCEMENT ON REQUEST**. If no request has been made, you must surrender all firearms and ammunition in a safe manner to your local law enforcement agency or sell them to or store them with a licensed gun dealer **within 24 hours** of being served with this order. You **must file a receipt proving surrender, sale, or storage with the Court listed below within 48 hours**, or if the court is closed, then on the next business day after the firearms are surrendered or sold. **FAILURE TO TIMELY FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.**

(Name and address of court): \_\_\_\_\_

3. **THIS ORDER WILL EXPIRE ON:** \_\_\_\_\_**TIME** \_\_\_\_\_

INSERT DATE OF 21st CALENDAR DAY  
DO NOT COUNT DAY THE ORDER IS GRANTED

4. Reasonable grounds for the issuance of this Order exist, and a Firearms Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving a firearm; **and** (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances.

5. **To the Restrained Person:** This order will last until the expiration date and time noted above. You are required to **surrender all firearms and ammunition that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order.**

Judicial officer (name): \_\_\_\_\_

granted this Order on (date): \_\_\_\_\_

at (time): \_\_\_\_\_

**APPLICATION**

6. Officer has a reasonable cause to believe that the grounds set forth in item 4, above, exist (state supporting facts and dates; specify weapons—number, type and location):

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7. ☐ Firearms were ☐ observed ☐ reported ☐ searched for ☐ seized.

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

By: \_\_\_\_\_  
(PRINT NAME OF LAW ENFORCEMENT OFFICER)

(SIGNATURE OF LAW ENFORCEMENT OFFICER)

Agency: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Badge No.: \_\_\_\_\_

**PROOF OF SERVICE**

8. Person served (name): \_\_\_\_\_

9. I personally delivered copies of this Order to the person served as follows: Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Address: \_\_\_\_\_

10. At the time of service, I was at least 18 years of age. ☐ I am a California law enforcement officer.

11. My name, address, and telephone number are (this does not have to be server's home telephone number or address):

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

Date: \_\_\_\_\_  
(TYPE OR PRINT NAME OF SERVER)

(SIGNATURE OF SERVER)

**FIREARMS EMERGENCY PROTECTIVE ORDER  
WARNINGS AND INFORMATION**

EPO-002

**TO THE RESTRAINED PERSON:** You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition. (Pen. Code, § 18125 et seq.) A violation of this Order is a misdemeanor punishable by a \$1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in your firearms to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48 hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for this purpose.

This Firearms Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front.

A law enforcement officer or agency or a family member may seek a more permanent restraining order from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the State of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

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**A la persona restringida:** Tiene prohibido ser dueño de un arma de fuego, poseer, comprar o tratar de comprar, recibir o tratar de recibir u obtener un arma de alguna otra manera. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de \$1000 y encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego a una agencia del orden público o venderlas a o guardarlas con un comerciante de armas autorizado hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Dentro de las 48 horas de recibir esta orden, se tiene que presentar a la corte una prueba de haberlas entregado, vendido, o guardado. Se puede usar la forma GV-800 por este propósito.

Esta orden de protección de emergencia de arma de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 al otro lado.

Un agente o agencia del orden público o un familiar puede pedir que la corte emita una orden de restricción más permanente de la corte.

Si está en violación de este orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o intentar comprar o recibir un arma de fuego o municiones por otro periodo de cinco años mas, a comenzar a partir del vencimiento de la orden de restricción actual de violencia con armas de fuego. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

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**To law enforcement:** The Firearms Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. A copy must be filed with the court as soon as practicable after issuance. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

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

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ E-MAIL ADDRESS: _____ ATTORNEY FOR (name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT</b> <b>not approved by the</b> <b>Judicial Council of</b> <b>California</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
PETITIONER: _____ RESPONDENT: _____	
<b>PETITION TO DETERMINE IF DOG IS</b> <input type="checkbox"/> Potentially Dangerous <input type="checkbox"/> Vicious	
CASE NUMBER: _____	
PETITION REFERRED TO ADMINISTRATIVE AGENCY FOR HEARING  <div style="display: flex; justify-content: space-between;"> <span>DATE _____</span> <span>DEPUTY CLERK _____</span> </div>	

## 1. Petitioner (name):

(representative capacity, if any):

requests a hearing under Food and Agricultural Code section 31601 et seq. to declare a dog to be potentially dangerous or vicious.

## 2. Respondent (name):

(address):

is the owner or keeper of the following dog (briefly describe dog and give license number, if available):

3. An animal control officer or a law enforcement officer has investigated and determined that probable cause exists to believe that the dog is potentially dangerous or vicious.

4. ☐ **Potentially dangerous dog** Petitioner requests that the dog be declared to be "potentially dangerous" for the following reasons:

- a. ☐ The dog, unprovoked, has on two separate occasions within the prior 36-month period engaged in behavior that required a defensive action by a person to prevent bodily injury when the person and the dog were off the property of the owner or keeper of the dog.
- b. ☐ The dog, unprovoked, bit a person causing a less severe injury than described in item 5b.
- c. ☐ The dog, unprovoked, on two separate occasions within the prior 36-month period, killed, seriously bit, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner or keeper of the dog.

5. ☐ **Vicious dog** Petitioner requests that the dog be declared to be "vicious" for the following reasons:

- a. ☐ The dog, unprovoked, in an aggressive manner, inflicted severe injury or killed a human being.
- b. ☐ The dog was previously determined to be and is currently designated as a potentially dangerous dog. After its owner or keeper was notified of this determination, the dog continued the behavior described in Food and Agricultural Code section 31602 or the owner or keeper maintained the dog in violation of Food and Agricultural Code sections 31641, 31642, or 31643.

(Continued on reverse)

Page 1 of 2

PETITIONER: RESPONDENT:	CASE NUMBER:
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6. **This petition is supported** by the following *(attach a copy of each document checked)*:

- a. ☐ Declaration of *(name)*: ☐ animal control officer ☐ law enforcement officer.  
The declaration was made after an investigation and determination that probable cause exists to believe that the dog is potentially dangerous or vicious.
- b. ☐ A written and verified complaint signed by a member of the public *(name)*:
- c. ☐ An incident report prepared by *(name)*:
- d. ☐ Affidavit of a witness to the incident *(name)*:
- e. ☐ Other *(specify)*:

7. Number of pages attached *(specify)*:

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

☐ This declaration is made on **information and belief**.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)