



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27–28, 2016

Title

Protective Orders: Requests for the
Possession and Protection of Animals

Agenda Item Type

Action Required

Effective Date

January 1, 2017

Rules, Forms, Standards, or Statutes Affected

Revise forms CH-100, CH-110, CH-120,
CH-130, EA-100, EA-110, EA-120, EA-130,
JV-245, JV-250, and JV-255

Date of Report

August 29, 2016

Recommended by

Civil and Small Claims Advisory Committee

Hon. Raymond M. Cadei, Chair

Family and Juvenile Law Advisory

Committee

Hon. Jerilyn L. Borack, Cochair

Hon. Mark A. Juhas, Cochair

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Executive Summary

To implement the recent statutory changes made by Assembly Bill 494 (Stats. 2015, ch. 401) to Code of Civil Procedure section 527.6 and Welfare and Institutions Code sections 213.5 and 15657.03, the Civil and Small Claims Advisory Committee recommends revisions to the Judicial Council forms for civil harassment and elder and dependent adult abuse protective orders to include orders regarding the possession and protection of animals; and the Family and Juvenile Law Advisory Committee recommends revisions to the Judicial Council juvenile protective order forms to include such orders.

Recommendation

To add a new item (see number in parentheses) to provide for orders for the possession and protection of animals, effective January 1, 2017, the Judicial Council is asked by:

1. The Civil and Small Claims Advisory Committee to revise:
 - CH-100, *Request for Civil Harassment Restraining Orders* (item 15);
 - CH-110, *Temporary Restraining Order* (civil harassment) (item 8);
 - CH-120, *Response to Request for Civil Harassment Restraining Orders* (item 7);
 - CH-130, *Civil Harassment Order After Hearing* (item 10);
 - EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (item 19);
 - EA-110, *Temporary Restraining Order* (elder and dependent adult abuse) (item 10);
 - EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (item 8);
 - EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing* (item 11);
 - and
2. The Family and Juvenile Law Advisory Committee to revise:
 - JV-245, *Request for Restraining Order—Juvenile* (item 8h);
 - JV-250, *Notice of Hearing and Temporary Restraining Order—Juvenile* (item 10); and
 - JV-255, *Restraining Order—Juvenile* (item 9); and
3. The Family and Juvenile Law Advisory Committee, because of differences in form structure and the law, further to revise order forms JV-250 and JV-255:
 - To require the court to indicate the name of the protected person who is granted an order for possession; and
 - To include language that the order for possession could be made for an animal that is in the residence or household of a person protected by the order.

The text of the revised forms is attached at pages 7–62.

Previous Council Action

Under the Code of Civil Procedure and the Welfare and Institutions Code, the Judicial Council must provide forms and instructions for use in matters of civil harassment, elder and dependent adult abuse, and juvenile protective orders. The forms have previously been revised when changes to the law required revisions and to respond to suggestions made by the public, judicial officers, and court professionals. The civil harassment and elder and dependent adult protective order forms in this proposal were last revised effective July 1, 2014. The juvenile restraining order request form (JV-245) was last revised effective March 1, 2012, and the other juvenile restraining order forms (JV-250 and JV-255) were last revised effective July 1, 2014.

Rationale for Recommendation

California statutes establish procedures for individuals to obtain court orders to protect them from abuse and/or violence in a wide variety of settings. Separate statutory provisions address protective orders in proceedings relating to domestic violence (DV), juvenile law (JV), civil harassment (CH), and elder and dependent adult abuse (EA). Although these statutory schemes differ from each other in some important ways, the Judicial Council has worked with the Legislature to create consistency in protective order procedures when appropriate. The Judicial Council has also adopted sets of forms to assist in implementing the procedures in each of these settings, as well as rules relating to some of these procedures. When appropriate, Judicial Council advisory committees have worked with each other to ensure consistency in implementing these forms.

In 2008, orders regarding the possession and protection of animals became specifically available in domestic violence protective order matters under Senate Bill 353 (Stats. 2007, ch. 205). This remedy has not been specifically provided for in other types of restraining orders until now. Effective January 1, 2016, in civil harassment, elder and dependent adult abuse, and juvenile protective order matters, the court may—on a showing of good cause in connection with an animal owned, possessed, leased, kept, or held by the petitioner or other protected person,¹ or residing in the residence or household of the petitioner or other protected person, either or both of the following:²

- Grant the person protected by the order exclusive care, possession, or control of the animal—referred to as “order for possession.”
- Order the restrained person to stay away from the animal and refrain from taking, transferring, encumbering, concealing, molesting, attacking, striking, threatening, harming, or otherwise disposing of the animal—referred to as “order for protection.”

Revisions to the CH, EA, and JV forms are proposed to add a new item to provide for orders for possession and protection of animals. This proposal will benefit the judicial branch, attorneys, and self-represented litigants by providing a simple way for a party to request, and for the court to grant, animal possession and protection orders. By creating a separate item, litigants and the court will be better informed as to what orders may be granted and the predicate conditions.

In addition, because of differences in form structure and the law, the Family and Juvenile Law Advisory Committee proposes further revisions to the juvenile forms beyond those proposed to the civil harassment and elder abuse protective order forms.

¹ Under Welfare and Institutions Code section 213.5, the order can apply to any animal owned, possessed, leased, kept, or held by a person protected or by a person residing in the residence or household of a protected person.

² Code Civ. Proc., § 527.6(b)(6)(A); Welf. & Inst. Code, §§ 213.5(a) & (b), 15657.03(b)(3)(A).

- Order forms JV-250 and JV-255 would require the court to indicate the name of the protected person who is granted an order for possession. This name is needed because the remedy may be granted to the applicant of the protective order but the order forms include all protected people in a single item; hence, without specifying a name or reorganizing the form, it is unclear who has been granted an order of possession.
- Order forms JV-250 and JV-255 would include language that the order for possession could be made for an animal that is in the residence or household of a person protected by the order.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal circulated for comment from April 15 to June 14, 2016, to the standard mailing list for civil, family, and juvenile law proposals. Included on the list were appellate presiding justices, appellate court administrators, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate (CASA) programs, and other civil and juvenile law professionals. Four organizations, including the Joint Rules Subcommittee of the Trial Court Presiding Judges and Court Executives Advisory Committees, and one individual provided comment: four agreed with the proposal, one agreed with the proposal if modified. No commentators opposed the proposal.

Three modifications were proposed by the Joint Rules Subcommittee:

1. Delay implementation by 90–120 days for the benefit of courts.
2. Under the new item, add space in responsive pleadings for explanation regarding disagreement with the requested order.
3. Specify that an animal can also be identified by certificate/registration number, license number, chip number, or other ownership number.

This proposal would take effect on January 1, 2017 unless another date is specified. The committees could recommend that implementation of the proposal be delayed until July 1, 2017. However, the committees do not recommend delaying implementation because any delay will delay the benefit of the revisions to litigants, courts, law enforcement agencies, and other agencies involved with protective orders.

The suggestion to add space in the response forms to state the respondent's reasons for disagreeing with the requested order would require a global change to these forms and other responsive pleading forms for other restraining order types, to preserve consistent formatting. Currently, the answer forms do not provide space under each item for the explanation regarding disagreement with the order. For the domestic violence answer form (form DV-120, *Response to*

Request for Domestic Violence Restraining Order), space is available on the last page of the document to allow the responding party the opportunity to state the facts that support his or her position. The committees may consider whether to make this change globally for all plain language restraining order forms for a future forms revision cycle.

In response to the suggestion to add other examples of ways animals can be identified or described, the committees recommend adding the animal's color and sex to the list of identifiers. This additional information will help law enforcement better identify protected animals. The committees do not recommend adding other forms of identification, like chip number, because it is information that applicants are unlikely to have readily available at the time of submitting an application and unlikely to be useful for enforcement purposes.

Alternatives considered

The committees considered not revising the forms to include a specific item to provide for orders for possession and protection of animals. All 11 forms currently contain an item for "Other Orders." Orders for possession and protection of animals could be entered currently as Other Orders. As stated above, the committees prefer a separate item because it better informs litigants and the court as to what orders may be granted.

Another alternative was to revise the forms in the same manner as the DV forms. As noted above, this remedy has been available in domestic violence protective order matters since 2008. The DV request (DV-100) and order forms (DV-110 and DV-130) assume that the applicant is requesting both possession and protection of an animal or animals. The Family and Juvenile Law Advisory Committee recommended combining these orders in domestic violence protective order matters because doing so would result in a clearer order for law enforcement. Even in cases where the petitioner does not think that ownership is disputed, the other party might disagree. The committee believed that in most cases, having both orders would be beneficial, and in rare instances where both orders would be inappropriate, the court could strike part of the order.

Because of differences in the statute between DV protective orders and the laws applicable to this proposal, the Protective Orders Working Group (POWG), a subcommittee whose function is to ensure consistency across protective order forms when practical, recommended that the orders for possession and protection be separated to allow the applicant to request one or both. The Civil and Small Claims Advisory Committee and the Family and Juvenile Law Advisory Committee agree with POWG's recommendation.

Implementation Requirements, Costs, and Operational Impacts

The committee anticipates that this proposal will result in some costs incurred by the courts to replace existing forms, train court staff on revised forms, make changes to document assembly programs, and update case management systems. The committee also anticipates that the revised

forms will save resources for the courts in the long term by providing courts, litigants, and third-party service providers with accurate information and orders.

Relevant Strategic Plan Goals and Operational Plan Objectives

The recommendations in the report support the policies underlying Goal I, Access, Fairness, and Diversity, because providing forms and orders that can be used statewide promotes uniformity and access to the court process, especially for self-represented litigants.

Attachments and Links

1. Forms CH-100, CH-110, CH-120, CH-130, EA-100, EA-110, EA-120, EA-130, JV-245, JV-250, and JV-255, at pages 7–62
2. Chart of comments, at pages 63–65
3. Link A: Assembly Bill 494,
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB494

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.

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Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Person Seeking Protection

a. Your Full Name: _____

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 e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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 NameSexAgeLives 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.

(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):

- a. ☐ Me b. ☐ The person in (2) c. ☐ 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 e-mail, 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) <input type="checkbox"/> Me | (8) <input type="checkbox"/> My vehicle |
| (2) <input type="checkbox"/> The other persons listed in (3) | (9) <input type="checkbox"/> Other <i>(specify)</i> : |
| (3) <input type="checkbox"/> My home | _____ |
| (4) <input type="checkbox"/> My job or workplace | _____ |
| (5) <input type="checkbox"/> My school | _____ |
| (6) <input type="checkbox"/> My children's school | _____ |
| (7) <input type="checkbox"/> 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 ☐ Guns or Other Firearms and Ammunition

Does the person in **(2)** own or possess any guns or other firearms? ☐ 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 a gun, other firearm, 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 guns or firearms within his or her immediate possession or control.*

This is not a Court Order.

11 Immediate Orders

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in ②? ☐ Yes ☐ No (If you answered yes, 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—Immediate Orders" for a title.

12 ☐ Request to Give Less Than Five Days' Notice

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: a. ☐ Lawyer's fees b. ☐ Court costs

The amounts requested are:

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

☐ 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.**

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 e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail 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 Restrained Person

Full Name: _____

Description:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<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.

The court will complete the rest of this form.

④ 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 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 e-mail, 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 Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
 - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use Form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*

c. ☐ The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

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

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

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

9 Other Orders

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

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

To the Person in ① :

10 Mandatory Entry of Order Into CARPOS Through CLETS

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

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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

This is a Court Order.



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

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

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

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out Form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have Form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form CH-250, *Proof of Service 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.

This is a Court Order.

- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

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

(Clerk will fill out this part.)

Clerk's Certificate

[seal]

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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 of Response by Mail.)

**DRAFT
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 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 e-mail.):

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
 b. ☐ I do not agree to the orders requested.
 c. ☐ I agree to the following orders (specify):

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.

④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
 b. ☐ I do not agree to the orders requested.
 c. ☐ I agree to the following orders (specify): _____

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.



6 Guns or Other Firearms and Ammunition

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

- a. ☐ I do not own or control any guns or firearms.
 b. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.

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

7 ☐ Possession and Protection of Animals

- a. ☐ I agree to the orders requested.
 b. ☐ I do not agree to the orders requested.
 c. ☐ I agree to the following orders (*specify*):

8 ☐ Other Orders

- a. ☐ I agree to the orders requested.
 b. ☐ I do not agree to the orders requested.
 c. ☐ I agree to the following orders (*specify*):

9 ☐ Denial

I did not do anything described in item ⑦ of form CH-100. (*Skip to ⑩.*)

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 ☐ **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.*)

12 ☐ **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 or form MC-025 and write "Attachment 12—Lawyer's Fees and Costs" for a title.
- 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.

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

Date: _____

Lawyer's name (if any)▶ _____
Lawyer's signature

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

Date: _____

Type or print your name▶ _____
Sign your name

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

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 e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

DRAFT

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

Full Name: _____

Description:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

Full Name Sex Age Lives with you? How are they related to you?

_____ ☐ Yes ☐ No _____

_____ ☐ Yes ☐ No _____

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

④ Expiration Date

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 e-mail, 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 _____

This is a Court Order.

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

8 No Guns or Other Firearms and Ammunition

- a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**
- b. 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 guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use Form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)
- c. ☐ The court has received information that you own or possess a firearm.

9 ☐ Lawyer's Fees and Costs

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

- a. ☐ Lawyer's fees b. ☐ 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.

11 ☐ Other Orders (specify):

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

This is a Court Order.



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 Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item 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 of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

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

Clerk'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.

Read *Can an Elder or Dependent Adult Abuse Restraining Order Help Me?* (Form EA-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (Form CLETS-001), with as much information as you know.

DRAFT
**NOT APPROVED BY THE
JUDICIAL COUNCIL**

1 Elder or Dependent Adult in Need of Protection

a. Full Name: _____
Sex: ☐ M ☐ F Age: _____

2 Person From Whom Protection Is Sought

Full Name: _____
Address (if known): _____
City: _____ State: _____ Zip: _____

Fill in court name and street address:

Superior Court of California, County of**3 Person Requesting Order**

Who is asking the court for protection? (Check a, b, or c):

- a. ☐ The elder or dependent adult named in ①.
- b. ☐ Name: _____
conservator of the ☐ person ☐ estate ☐ person and estate
of the person named in ①, appointed by (name of court): _____
Case No.: _____

Court fills in case number when form is filed.

Case Number:

- c. ☐ Other (name) _____

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use Form MC-025, Attachment.)

4 Contact Information

Contact information for the person asking the court for protection:

- a. 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. The person in ① does not have to give telephone, fax, or e-mail.):
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

This is not a Court Order.

5 Description of Protected PersonDescribe the person named in **(1)**. (Check a or b):

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

6 Additional Protected Persons

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

<u>Full Name</u>	<u>Sex</u>	<u>Age</u>	<u>Lives with you?</u>	<u>How are they related to you?</u>
_____	_____	_____	<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 6a—Additional Protected Persons" for a title. You may use Form MC-025, Attachment.

- b. Why do these people need protection? (Explain below):

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

7 Relationship of PartiesHow does the person in **(1)** know the person in **(2)**? (Explain below):

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

8 Venue

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

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

This is not a Court Order.

9 Other Court Cases

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

	<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"/> Elder or Dependent Adult Abuse	_____	_____	_____
(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 Custody	_____	_____	_____
(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 the person in ① or any of the persons named in ⑥ and the person in ②? ☐ No ☐ Yes (If yes, attach a copy if you have one.)

10 Description of Abuse

- a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

- b. Tell the court about the last time the person in ② abused the person in ①.

- (1) When did it happen? (Provide date or estimated date): _____
- (2) Who else was there? _____

- (3) Describe what happened below.

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10b(3)—Describe Abuse" for a title.

- (4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

☐ Yes, only financial abuse. ☐ No, the abuse included other forms of abuse described above.

This is not a Court Order.



(5) 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 10b(5)—Use of Weapons" for a title.

(6) Was the person in ① harmed or injured as a result of the acts of abuse described above?

☐ 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 10b(6)—Harm or Injury" for a title.

(7) Did the police come? ☐ Yes ☐ No

If yes, did they give the person in ① or the person in ② an Emergency Protective Order? ☐ Yes ☐ No

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

a. ☐ The person in ① b. ☐ The person in ② c. ☐ The persons in ⑥

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

c. Is the person in ② a care custodian who deprived the person in ① of (kept from him or her, did not allow him or her to have or receive, or did not provide him or her with) goods or services that the person needed to avoid physical harm or mental suffering?

☐ Yes ☐ No (If yes, describe below what the person was deprived of and how that affected him or her):

☐ 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 10c—Deprivation by Care Custodian" for a title.

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

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

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 10d—Previous Abuse" for a title.

This is not a Court Order.



Check the orders you want. ☒**11 ☐ Personal Conduct Orders**

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

- a. ☐ Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b. ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, 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 11c—Other Personal Conduct Orders," for a title.*

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

12 ☐ 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) ☐ The elder or dependent adult in **(1)**
- (2) ☐ The persons in **(6)**
- (3) ☐ The home of the elder or dependent adult
- (4) ☐ The job or workplace of the elder or dependent adult
- (5) ☐ The vehicle of the elder or dependent adult
- (6) ☐ Other (*specify*): _____

- b. 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 12b—Stay-Away Orders," for a title.*

This is not a Court Order.



13 ☐ **Move-Out Order**

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

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

☐ I ask for this move-out order right away to last until the hearing, because:

- a. The person in **(2)** assaulted or threatened the person in **(1)**; and
- b. The person in **(1)** has the right to live at the above residence. (Explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 13—My Right to Residence," for a title.

14 **Guns or Other Firearms and Ammunition**

Does the person in **(2)** own or possess any guns or other firearms? ☐ Yes ☐ No ☐ I don't know

*Unless the abuse is only financial, if the judge grants a protective order, the person in **(2)** will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in **(2)** will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any guns or firearms within his or her immediate possession or control.*

15 **Immediate Orders**

Do you want the court to make any of these orders now that will last until the hearing without notice to the person in **(2)**? ☐ Yes ☐ No (If you answered yes, 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 15—Immediate Orders" for a title.

16 ☐ **Request to Give Less Than Five-Days' Notice**

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

If you want there to be 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 16—Request to Give Less Than Five-Days' Notice" for a title.

This is not a Court Order.



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

18 ☐ **Lawyer's Fees and Costs**

I ask the court to order payment of my: a. ☐ Lawyer's fees b. ☐ 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 18—Lawyer's Fees and Costs" for a title.

19 ☐ **Possession and Protection of Animals**

I ask the court to order the following:

- a. ☐ That the person in **1** be given the sole possession, care, and control of the animals listed below, which he/she owns, possesses, leases, keeps, or holds, or which reside in his/her 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 19a—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.

This is not a Court Order.



Case Number:

20

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 20—Additional Orders Requested," for a title.

This image shows a single sheet of white paper with horizontal blue 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.

21

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name _____

Signature of person filling out this request

This is not a Court Order.

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

① Protected Elder or Dependent Adult

a. Full Name: _____

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

Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

b. 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: _____

DRAFT

**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

Full Name: _____

Description:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

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

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

④ Expiration Date

This Order 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.

⑤ Personal Conduct Orders

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

a. You must **not** do the following things to the elder or dependent adult named in ①

☐ and to the other protected persons listed in ③ :

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

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 Orders

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

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

- (1) ☐ The elder or dependent adult in ①
- (2) ☐ Each person in ③
- (3) ☐ The home of the elder or dependent adult
- (4) ☐ The job or workplace of the elder or dependent adult
- (5) ☐ The vehicle of the person in ①
- (6) ☐ Other (*specify*):

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

⑦ Move-Out Order

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

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

This is a Court Order.



8 No Guns or Other Firearms and Ammunition☐ **Not Issued (financial abuse only)**☐ **Granted as Follows:****This order must be granted unless only financial abuse is alleged.**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use Form EA-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)
- c. ☐ The court has received information that you own or possess a firearm.

9 Financial Abuse

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

10 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.

11 Other Orders☐ **Not Requested**☐ **Denied Until the Hearing**☐ **Granted as Follows (specify):**

☐ Additional orders are attached at the end of this Order on Attachment 11.**This is a Court Order.**

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 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 12.

⑬ No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this Order, he or she will do it for free.

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

Date: _____

Judicial Officer

This is a Court Order.

Warnings and Notices to the Restrained Person in ②

Possession of Guns or Firearms

If the court grants the orders in item ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑧. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

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

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

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read Form EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have Form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign Form EA-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 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.

This is a Court Order.

Start Date and End Date of Orders

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

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

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

(Clerk will fill out this part.)

—Clerk's Certificate—

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 Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Request (Form EA-100)

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (Form EA-120-INFO), to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use Form EA-250, Proof of Service of Response by Mail.)

**DRAFT
NOT APPROVED BY THE
JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① Elder or Dependent Adult Seeking Protection

Name: _____

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

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 e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

**Hearing
Date**

→ 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.

③ ☐ Personal Conduct Orders

a. ☐ I agree to the orders requested.b. ☐ I do not agree to the orders requested.c. ☐ I agree to the following orders (*specify*): _____

④ ☐ Stay-Away Orders

a. ☐ I agree to the orders requested.b. ☐ I do not agree to the orders requested.c. ☐ I agree to the following orders (*specify*): _____



5 ☐ **Move-Out Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____
- _____
- _____

6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item **6** of Form EA-100 may be protected by the order requested.

7 ☐ **Guns or Other Firearms and Ammunition**

If you were served with Form EA-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (See item **8** of Form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control within 24 hours of being served with Form EA-110. You must file a receipt with the court. You may use Form EA-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

- a. ☐ I do not own or control any guns or firearms.
- b. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.

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

8 ☐ **Possession and Protection of Animals**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____
- _____
- _____
- _____

9 ☐ **Other Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
- c. ☐ I agree to the following orders (*specify*): _____
- _____
- _____
- _____

10 ☐ **Denial**

I did not do anything described in item **10** of Form EA-100. (*Skip to 12.*)



11 ☐ **Justification or Excuse**

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

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

12 ☐ **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 or Form MC-025 and write "Attachment 12—Lawyer's Fees and Costs" for a title.

- b. ☐ I ask the court to deny the request of the person asking for protection named in ① that I pay his or her lawyer's fees and costs.

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

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

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

① Elder or Dependent Adult Seeking Protection

a. Full Name: _____

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

Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

DRAFT

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

Full Name: _____

Description:

Sex: ☐ M ☐ F Height: _____ Weight: _____ Date of Birth: _____

Hair Color: _____ Eye Color: _____ Age: _____ Race: _____

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

Full Name	Sex	Age	Lives with you?	Relation to Protected Person
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Yes ☐ No

☐ Yes ☐ No

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

④ Expiration Date

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

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

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

This is a Court Order.



5 Hearing

- a. There was a hearing on (date): _____ at (time): _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) ☐ The elder or dependent adult in need of protection
 - (2) ☐ The lawyer for the elder or dependent adult (name): _____
 - (3) ☐ The person in ① asking for protection (if not the elder or dependent adult)
 - (4) ☐ The lawyer for the person in ① asking for protection (name): _____
 - (5) ☐ The person in ②
 - (6) ☐ The lawyer for the person in ② (name): _____
 - ☐ Additional persons present are listed at the end of this Order on Attachment 5.
- c. ☐ The hearing is continued. The parties must return to court on (date): _____ at (time): _____.

To the Person in ②:

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

6 ☐ Personal Conduct Orders

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

7 ☐ Stay-Away Orders

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

This is a Court Order.

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

8 ☐ **Move-Out Order**

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

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

9 ☐ **No Guns or Other Firearms and Ammunition**

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

- a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**
- b. If you have not already done so, you must:
- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use Form EA-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)
- c. ☐ The court has received information that you own or possess a firearm.

10 **Financial Abuse**

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

11 ☐ **Possession and Protection of Animals**

- 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.



15 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 ① was at the hearing. The person in ② was not.
- (1) ☐ Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form EA-110 except for the end date. The person in ② must be served with this Order. Service may be by mail.
- (2) ☐ Proof of service of Form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in Form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

16 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____



Judicial Officer

Warning and Notice to the Restrained Person in ② :**You Cannot Have Guns or Firearms**

If the court grants the orders in item ⑨ on page 3, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑨. 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 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 5. The order *ends* on the expiration date in item ④ on page 1.

This is a Court Order.

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities of Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities: (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

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

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	CASE NUMBER: _____ JUVENILE: _____ FAMILY: _____
REQUEST FOR RESTRAINING ORDER—JUVENILE	RELATED CASES (if any): _____

1. Person or persons needing protection

Full Name

Age

Relationship to child

2. Person to be restrained

Full Name: _____					
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____	Eye Color: _____	
Race: _____	Age: _____		Date of Birth: _____		

3. The child is (check all that apply)

- a. ☐ a dependent of the court under Welfare and Institutions Code section 300.
- b. ☐ the subject of a petition that has been filed in this court under Welfare and Institutions Code section 300.
- c. ☐ a ward of the court under Welfare and Institutions Code section 601.
- d. ☐ a ward of the court under Welfare and Institutions Code section 602.
- e. ☐ the subject of a petition that has been filed in this court under Welfare and Institutions Code section 601.
- f. ☐ the subject of a petition that has been filed in this court under Welfare and Institutions Code section 602.

4. Petitioner is the

- a. ☐ mother.
- b. ☐ father.
- c. ☐ child.
- d. ☐ guardian.
- e. ☐ social worker.
- f. ☐ probation officer.
- g. ☐ present caregiver of child.
- h. ☐ court-appointed special advocate.
- i. ☐ representative of Indian child's tribe.
- j. ☐ other (state interest or relationship to child): _____

CHILD'S NAME:

CASE NUMBER:

5. The person to be restrained has *(check at least one box)*

- a. ☐ assaulted or attempted to assault one or more of the persons to be protected.
- b. ☐ caused, threatened, or attempted bodily injury on one or more of the persons to be protected.
- c. ☐ caused one or more of the persons to be protected to fear physical or emotional harm.
- d. ☐ sexually assaulted or attempted to sexually assault one or more of the persons to be protected.
- e. ☐ stalked one or more of the persons to be protected.
- f. ☐ other *(specify)*:

6. **Description of conduct** *(describe in detail the most recent incidents supporting this application, or attach copies of reports of law enforcement officers):*

☐ Check here if there is not enough space for your answer. Put your complete description on an attached piece of paper and write "Attachment 6" as a title. Number of pages attached: _____

7. ☐ A criminal protective order on form CR-160 is in effect against the person sought to be restrained:

- a. ☐ Case number: _____ expiration date: _____
- b. ☐ County *(if known)*:
- c. ☐ Person protected by order:
- d. ☐ Person restrained by order:

CHILD'S NAME:

CASE NUMBER:

8. Requested orders

- a. ☐ Restrained person must not harass, molest, attack, strike, stalk, threaten, sexually assault, batter, destroy the personal property of, or disturb the peace of any person or persons named in item 1.
- b. ☐ Restrained person must not contact (either directly or indirectly), by mail or otherwise, any person named in item 1.
- (1) ☐ except for brief and peaceful contact as required for court-ordered visitation of children, unless a criminal protective order says otherwise
- (2) ☐ except for peaceful written contact through a process server or another person to serve legal papers related to a court case
- c. ☐ Restrained person must move immediately from (address):
- and take only personal clothing and effects.
- d. ☐ Restrained person must stay at least (specify): _____ yards away from the following persons and places (the addresses of these places are optional and may be kept confidential):
- (1) ☐ Protected persons named in item 1.
- (2) ☐ The residence of the person or people listed in item 1 (address optional):
- (3) ☐ The workplace of the person or people listed in item 1 (address optional):
- (4) ☐ Child's school or place of child care (address optional):
- (5) ☐ The vehicle of the person or people listed in item 1 (description optional):
- (6) ☐ Other (specify): _____ (address optional): _____
- e. ☐ Restrained person must not take any action to get the address or location of any person named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any persons named in item 1. (If this box is not checked, the court has found good cause not to make this order.) Peaceful written contact through a lawyer or through a process server or another person in order to serve legal papers is allowed and does not violate this order.
- f. Restrained person must sell or give up any firearms that he or she has or controls for a period not to exceed the duration of the restraining order. Describe in item 6 any use of or threat regarding use of firearms. Petitioner believes the restrained person has the following firearms (specify):
- g. ☐ The child is a ward or the subject of a petition under Welfare and Institutions Code section 601 or 602 and must not contact, threaten, stalk, or disturb the peace of (list names):
- h. ☐ Possession and protection of animals
- (1) ☐ Protected person (name): _____ is given sole possession, care, and control of the following animals (identify animals by, e.g., type, breed, name, color, sex):
- I ask for the animals to be with the person listed above because (specify):
- (2) ☐ Restrained person 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.

CHILD'S NAME:	CASE NUMBER:
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8. i. ☐ Other requested orders:

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

Date:

(TYPE OR PRINT NAME)

 _____
(SIGNATURE OF PETITIONER)

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): _____	DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> NOTICE OF HEARING <input type="checkbox"/> AND TEMPORARY RESTRAINING ORDER—JUVENILE </div> <div> CASE NUMBER: _____ JUVENILE: _____ FAMILY: _____ </div> </div>	

1. Protected person or persons

Full Name: _____ Sex: _____ Age: _____ Relationship to Child: _____

2. Restrained person

Full Name: _____					
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____	Eye Color: _____	
Race: _____	Age: _____		Date of Birth: _____		
Address (if known): _____					
City: _____	State: _____		Zip: _____		

3. Expiration date/Notice of court hearing

A court hearing is scheduled on the request for restraining orders against the person in item 2. Any temporary orders granted will expire at the end of the hearing scheduled for the date and time shown in the box below unless otherwise ordered. At the hearing, the judge may make restraining orders that could last up to three years.

<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> Hearing Date & Time </div> <div style="margin-left: 10px;"> → Date: _____ Dept.: _____ </div>	Name and address of court if different from above: _____ Time: _____ Room: _____
--	--

CASE NAME:	CASE NUMBER:
------------	--------------

4. ☐ Hearing on this temporary restraining order

- a. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____
- b. Judicial officer (*name*): _____
- c. Persons and attorneys present (*names*): _____

5. ☐ Temporary orders (*select one*)

- a. ☐ Granted. The court has granted the temporary orders that are checked below.
- b. ☐ Not granted. No temporary orders are granted pending the scheduled hearing in item 3.

THE COURT FINDS AND ORDERS6. ☐ Restrained person (child in delinquency proceedings) (*Complete either 6 or 7, not both.*)

- a. is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of anyone in item 1.
- b. ☐ may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached family, juvenile, or probate court order in Case No.: _____ issued on (*date*): _____, as an exception to the "no-contact" provision in item 6a of this order.
- c. ☐ may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for visitation as stated in a family, juvenile, or probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 6a of this order.

7. ☐ Restrained person (other than child in delinquency proceeding) (*Complete either 6 or 7, not both.*)

- a. **must not do the following things to anyone in item 1:**
- (1) Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace.
- (2) ☐ Contact, 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 e-mail, by text message, by fax, or by other electronic means
☐ except for visitation as indicated in c below.
- b. ☐ **must stay away** at least (*specify*): _____ yards from (*check all that apply*).
- (1) ☐ anyone in item 1, except for visitation as indicated in item c below.
- (2) ☐ home of anyone in item 1.
- (3) ☐ job or workplace of anyone in item 1.
- (4) ☐ vehicle of anyone in item 1.
- (5) ☐ school of anyone in item 1.
- (6) ☐ the child(ren)'s school or child care.
- (7) ☐ Other (*specify*): _____
☐ except for visitation as indicated in item c below.
- c. ☐ has the right to visit the child(ren) named in item 1 as follows:
- (1) ☐ None
- (2) ☐ Visitation according to the attached schedule (*Form JV-205 must be attached if any visitation is ordered.*)
- d. ☐ **must move** immediately from (*address*): _____

and take only personal clothing and belongings.
- e. ☐ must NOT take any action to get the address or location of anyone named in item 1 or the addresses or locations of the family members, caregivers, or guardians of any one named in item 1. If this box is not checked, the court has found good cause not to make this order.

CASE NAME:	CASE NUMBER:
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8. **No guns or other firearms or ammunition** (*applies only if box 5a is checked on this form*)

- a. The restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. The restrained person must
 - within 24 hours of receiving this order sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control.
 - within 48 hours of receiving this order file with the court a receipt that proves guns have been turned in, sold, or stored. (*Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252) may be used for the receipt.)
 - bring a copy of the receipt or *Proof of Firearms Turned In, Sold, or Stored* (form DV-800/JV-252) to the hearing listed in item 3.
- c. ☐ The court has received information that the restrained person owns or possesses a firearm.

9. ☐ The protected person(s) have the right to record communications made by the restrained person that violate the court's orders.

10. ☐ **Possession and protection of animals**

- a. ☐ Protected person (*name*): _____ is given sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by a person protected by this order or residing in the residence or household of a person protected by this order. (*Identify animals by, e.g., type, breed, name, color, sex.*)
- b. ☐ The restrained person 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.

11. ☐ **Other orders** (*specify*):

12. ☐ A criminal protective order on form CR-160 is in effect as follows:

Case number:

Expiration date:

County (*if known*):

13. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel.

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

- a. ☐ The court will enter the order into CARPOS through CLETS directly.
- b. ☐ The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name:

14. ☐ **Service of temporary order**

- a. ☐ The restrained person was present at the time the order was made. No further service is needed.
- b. ☐ The restrained person was not present at the time the order was made. This order must be served.

15. ☐ Service of this notice of hearing must be at least ☐ five or ☐ (*specify*): _____ days before the hearing.

Date:

JUDICIAL OFFICER

CASE NAME:

CASE NUMBER:

Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. If the box in item 5a is checked, the court issued a temporary restraining order, which means you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

Service of order by mail. If the judge makes a restraining order at the hearing that has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in item 2. If this address is not correct, or to find out if the orders were made permanent, contact the court.

Instruction for Law Enforcement

Applicable only if the box in item 5a is checked.

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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

Certificate of Compliance With VAWA for Temporary Orders

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265, (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be 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 all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

CLERK'S CERTIFICATE

[SEAL]

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

Date:

Clerk, by _____,

Deputy

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): _____	DRAFT NOT APPROVED BY THE JUDICIAL COUNCIL	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
CASE NAME: _____		
RESTRAINING ORDER—JUVENILE Order After Hearing		CASE NUMBER: _____ JUVENILE: _____ FAMILY: _____

1. Protected person or persons

Full Name _____ Sex _____ Age _____ Relationship to Child _____

2. Restrained person

Full Name: _____			
Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Height: _____	Weight: _____	Hair Color: _____
Race: _____	Age: _____	Eye Color: _____	
Address (if known): _____			
City: _____	State: _____	Zip: _____	

3. Order after hearing

a. This order after hearing expires on (date and time):

- If no expiration date is written, the restraining order ends three years after the date of the hearing, as indicated below.
- If no time is written, the restraining order ends at midnight on the expiration date.

b. Date hearing held: _____ Time: _____ Dept.: _____ Room: _____

c. Judicial officer (name): _____

d. Persons and attorneys present (names): _____

e. ☐ The restrained person was present. No further service is needed.

f. ☐ The restrained person was not present. This order must be served.

(1) ☐ The orders on this form are the same as in the prior temporary restraining order except for the expiration date, and the temporary order and notice of hearing was personally served on the restrained person. The restrained person can be served by mail.

(2) ☐ The orders on this form are different from those in the prior temporary restraining order. An adult 18 years or older—not the person or persons to be protected—must personally serve a copy of this order on the restrained person.

CASE NAME:	CASE NUMBER:
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THE COURT FINDS AND ORDERS

4. ☐ Restrained person (child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- ☐ is a ward of the court or the subject of a petition under Welfare and Institutions Code section 601 or 602 and **must not** contact, threaten, stalk, or disturb the peace of anyone in item 1.
 - ☐ may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for court-ordered visitation as stated in the attached family, juvenile, or probate court order in Case No. _____, issued on *(date)*: _____, as an exception to the "no-contact" provision in item 4a of this order.
 - ☐ may have peaceful contact with the protected person(s) in item 1 only for the safe exchange of children for visitation as stated in a family, juvenile, or probate court order issued after the date this order is signed, as an exception to the "no-contact" provision in item 4a of this order.
5. ☐ Restrained person (other than child in delinquency proceedings) *(Complete either 4 or 5, not both.)*
- must not do the following things to anyone in item 1:**
 - ☐ Molest, attack, strike, stalk, threaten, sexually assault, batter, harass, destroy the personal property of, or disturb the peace.
 - ☐ Contact, 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 e-mail, by text message, by fax, or by other electronic means
☐ except for visitation as indicated in c below.
 - ☐ **must stay away** at least *(specify)*: _____ yards from *(check all that apply)*
 - ☐ anyone in item 1, except for visitation as indicated in item c below.
 - ☐ home of anyone in item 1.
 - ☐ job or workplace of anyone in item 1.
 - ☐ vehicle of anyone in item 1.
 - ☐ school of anyone in item 1.
 - ☐ the children's school or child care.
 - ☐ Other *(specify)*: _____
☐ except for visitation as indicated in c below
 - ☐ has the right to visit the child(ren) named in item 1 as follows:
 - ☐ None
 - ☐ Visitation according to the attached schedule *(Form JV-205 must be attached if any visitation is ordered.)*
 - ☐ must move immediately from *(address)*: _____

and take only personal clothing and belongings.
 - ☐ must NOT take any action to get the address or location of anyone named in item 1 or the addresses or locations of the family members, caregivers, or guardians of anyone named in item 1. If this box is not checked, the court has found good cause not to make this order.
6. **No guns or other firearms or ammunition**
- The restrained person cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
 - The restrained person must
 - within 24 hours of receiving this order sell to, or store with, a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within his or her immediate possession or control.
 - within 48 hours of receiving this order file with the court a receipt that proves guns have been turned in, sold, or stored. *(Proof of Firearms Turned In, Sold, or Stored (form DV-800/JV-252) may be used for the receipt.)*
 - ☐ The court has received information that the restrained person owns or possesses a firearm.
7. ☐ A criminal protective order on form CR-160 is in effect as follows:
Case number: _____ Expiration date: _____ County *(if known)*: _____
8. ☐ The protected persons have the right to record communications made by the restrained person that violate the judge's orders.

CASE NAME:	CASE NUMBER:
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9. ☐ **Possession and protection of animals**

- a. ☐ Protected person (*name*): _____ is given sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by a person protected by this order or residing in the residence or household of a person protected by this order. (*Identify animals by, e.g., type, breed, name, color, sex.*)
- b. ☐ The restrained person must stay at least _____ yards away from—and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of—the animals listed above.

10. ☐ **Other orders** (*specify*):

11. **Transmittal order.** The data in this order must be transmitted within one business day to law enforcement personnel. This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

- a. ☐ The court will enter the order into CARPOS through CLETS directly.
- b. ☐ The court or its designee will transmit a copy of the order to a local law enforcement agency authorized by the Department of Justice to enter orders into CARPOS through CLETS.

If designee, insert name:

Date:

JUDICIAL OFFICER

Warnings to the Restrained Person

If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail or prison, pay a fine of up to \$1,000, or both. Taking or hiding a child in violation of this order is subject to state and federal criminal penalties.

You cannot have guns, firearms, or ammunition. You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while the order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control. The judge will ask you for proof that you did so. If you do not obey this order, you can be charged with a crime. Federal law says you cannot have guns or ammunition while the order is in effect.

CASE NAME:	CASE NUMBER:
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Instruction for Law Enforcement

Enforcing the restraining order. This order is effective when made. It is enforceable in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). If proof of service on the restrained person has not been received and the restrained person was not present at the court hearing, the law enforcement agency shall advise the restrained person of the terms of the order and then shall enforce it.

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 order (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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

Certificate of Compliance With VAWA for Orders After Hearing

This protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been afforded reasonable notice and an opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

CLERK'S CERTIFICATE

[SEAL]

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

Date: _____ Clerk, by _____, Deputy

ITC SPR16-22

Protective Orders: Requests for the Possession and Protection of Animals

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

	Commentator	Position	Comment	Committee Response
1.	Nicole LaGrange	A	I agree with this change* Protecting animals is crucial in domestic violence situations as many seek revenge to further hurt the person leaving the violence. I would also suggest emergency animal shelters in the packet of information used to start the process. Many people would not know that this is possible and that their pets can remain safe as well*Victims will be more apt to leave and less cruelty to animals will result.	The National Domestic Violence Hotline has information and resources on how to keep pets of domestic violence victims safe, including safety planning for pets. Links to this information will be included on the Self-Help section of the Judicial Council's website at http://www.courts.ca.gov/selfhelp-domesticviolence.htm .
2.	Judicial Council Advisory Committees Trial Court Presiding Judges and Court Executive Advisory Committee Joint Rules Subcommittee	AM	<ol style="list-style-type: none"> 1. The proposal should be implemented because it will provide clarification to courts, law enforcement agencies, attorneys, parties and other agencies involved with protective orders. While it is not necessarily required, the proposal would provide consistency with Judicial Council forms throughout the state similar to the Domestic Violence Prevention Act in other areas of need for protective orders. 2. Regarding additional training: The proposal would require minimal training for staff given the forms are already in use without the modifications. 3. The proposed date for implementation is not feasible or is problematic: The JRS recommends the implementation 	<ol style="list-style-type: none"> 1. No response required. 2. No response required. 3. The committees do not recommend extending the implementation period. Generally, Judicial Council forms take

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Protective Orders: Requests for the Possession and Protection of Animals

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

	Commentator	Position	Comment	Committee Response
			<p>period be extended to 90-120 days, rather than the proposed two months for implementation. Given the number of forms being affected, more time would benefit the courts.</p> <p>Suggested Modifications:</p> <p>4. CH-120 7.b.: Consider adding space for explanation regarding disagreement with the order.</p> <p>EA-120 8.b.: Consider adding space for explanation regarding disagreement with the order.</p>	<p>effect January 1 or July 1, therefore a delay in implementation would result in an effective date of July 1, 2017. The committees agree with commentator's comment that implementation of this proposal will provide clarity "to courts, law enforcement agencies, attorneys, parties and other agencies involved with protective orders." Any delay in implementation will impact the public, other entities and the courts.</p> <p>4. This change would require a global change to these forms and to other responsive pleading forms for other restraining order types, to preserve consistent formatting. Currently, answer forms do not provide space under each item for the explanation regarding disagreement with the order. For domestic violence (form DV-120, <i>Response to Request for Domestic Violence Restraining Order</i>), space is available on the last page of the document to allow the responding party the opportunity to set forth the facts that support his or her position. The committees may consider whether to make this change globally for all restraining order forms for a future forms revision cycle.</p>

ITC SPR16-22

Protective Orders: Requests for the Possession and Protection of Animals

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

	Commentator	Position	Comment	Committee Response
			5. Consider adding the following to all forms wherein an animal is identified or described: certificate/registration document #, license #, chip # or other ownership document #	5. The committees recommend adding other identifiers (color and sex) help law enforcement better identify protected animals. The committees do not recommend adding other forms of identification, like chip number, because applicants are unlikely to have this information readily available and unlikely to be useful for enforcement purposes.
3.	Superior Court of Los Angeles	A	This proposal appropriately addresses the stated purpose and no modifications are necessary.	No response required.
4.	Superior Court of Riverside County	A	The California Courts Protective Order Registry (CCPOR) should be modified to add fields regarding the possession and protection* of animals. Currently, courts are using the miscellaneous order section to add this information.	The CCPOR Support Team agrees that this modification should be made and will work on adding this field to the program.
5.	Superior Court of San Diego County by Mike Roddy, Executive Officer	A	No specific comment	