



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 14–15, 2017

Title	Agenda Item Type
Civil Protective Orders: Requests for Immediate Orders	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Revise forms CH-100, EA-100, GV-100, SV-100, and WV-100	January 1, 2018
Recommended by	Date of Report
Civil and Small Claims Advisory Committee Hon. Raymond M. Cadei, Chair	August 25, 2017
	Contact
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Executive Summary

The Civil and Small Claims Advisory Committee proposes revisions to all civil protective order request forms to clarify that any “immediate order” being sought on those forms is a temporary restraining order (TRO) and to allow parties requesting TROs to indicate whether the request is being made “with notice” to the other party.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council revise the civil protective order request forms, effective January 1, 2018, as follows:

1. Revise forms CH-100, item 11; EA-100, item 15; GV-100, item 9; SV-100, item 12; and WV-100, item 12, so the petitioner may indicate affirmatively if he or she is requesting a temporary order “with notice”; and

2. Revise the titles of the items in recommendation 1—“Immediate Orders” on the CH and EA forms, “Request for Immediate Temporary Order” on the GV form, and “Request for Immediate Orders Without Notice” on the SV and WV forms—to read “Temporary Restraining Order.”

The revised forms are attached at pages 4–39.

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 civil harassment (CH), elder and dependent adult abuse (EA), private postsecondary school violence (SV), and workplace violence (WV) protective order matters. The forms have been revised when changes to the law required revisions and in response to suggestions from the public, judicial officers, and court professionals. The CH and EA protective order forms contained in this proposal were revised last year. The WV and SV violence forms were last revised in 2014.

Rationale for Recommendation

The statutes governing the various protective order proceedings provide that a temporary restraining order may be issued with or without notice. (See, e.g., Code Civ. Proc., §§ 527(c) and 527.6(d).) Currently, however, the Judicial Council forms for requesting a TRO may be confusing on this point. For example, the *Request for Civil Harassment Restraining Orders* (form CH-100) at item 11 currently asks petitioners to check a box to respond either “Yes” or “No” as to whether they are requesting that “Immediate Orders” be made *without* notice. However, nowhere on the form can the petitioner affirmatively indicate that he or she is requesting “Immediate Orders” *with* notice. The *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100 at item 15) has the identical issue. Likewise, the petitions for restraining orders to prevent private postsecondary school violence and workplace violence (forms SV-100 and WV-100, at item 12) also ask the petitioner to check a box “Yes” or “No” if requesting “Immediate Orders Without Notice.” Similarly, the *Petition for Firearms Restraining Order* (form GV-100, item 9) asks the petitioner to check a box “Yes” or “No” answering whether he or she is requesting an “Immediate Temporary Order” without notice.

A judge from San Bernardino County reported that in her court, if “no” was checked, the clerk was requiring the petitioner to give notice and return the next day. In other words, a “no” answer was construed as “no” to “without notice,” meaning that a TRO would be sought “with notice.” But that is not what a “no” answer is supposed to indicate. A “no” answer simply means that no temporary restraining order is sought.¹

¹ While it is rare to not have a TRO in a domestic violence proceeding, it is not so rare in civil proceedings such as civil harassment. Often, there is no need for immediacy to address imminent potential violence.

The advisory committee recommends that all the forms be revised to address this confusion and to be consistent with each other. First, there should be a preliminary checkbox at the item level which is to be checked only if the petitioner is seeking a TRO. If no TRO is sought, then there is no need to consider the question of notice to the respondent and the petitioner proceeds to the next item on the form. If a TRO is sought, then a question seeking a yes or no answer is asked: “Has the [respondent] been told that you were going to go to court to seek a TRO against him/her?” If the answer is “no,” the petitioner is to provide an explanation of why no notice was provided.

All the revised request (-100) forms would now use the phrase *Temporary Restraining Order* in the item title instead of *Immediate Order* or *Immediate Temporary Order*. The reason for using the word *immediate* in the first place, instead of *temporary*, was to address concerns about plain language. In reviewing these forms, the committee has reconsidered the language and noted that domestic violence forms use the term *temporary orders*. It is also the term used in the statutes governing civil harassment, elder abuse, school violence, and work violence cases. (See, e.g., Code Civ. Proc., § 527.6(b)(6).) The committee has concluded that the change in language in the forms will clear up the confusion that currently exists.

Comments, Alternatives Considered, and Policy Implications

The revised forms were circulated for comment during the spring 2017 comment period. Comments were received from four courts (the Superior Courts of Los Angeles, Orange, Riverside, and San Diego Counties), the Orange County Bar Association, and the Standing Committee on the Delivery of Legal Services of the State Bar.

All commenters were generally in favor of the proposed revisions, with a few seeking minor modifications to the language, most of which were implemented by the committee.² One commenter also requested that the item requesting a TRO be moved up in the form and made automatic. The committee considered the comment but declined to act on it. Although TROs might be requested in all domestic violence cases, the same is not true in all civil matters, and the committee concluded that the request should not be made automatic in such cases, but rather left to the discretion of the moving party.

The State Bar committee pointed out that “[t]hese revisions will make the process easier, especially for low and moderate-income clients, self-represented litigants, limited and non-English speakers and other underrepresented and vulnerable individuals” as well as helping “pro bono attorneys who are new to this area of law.” The committee agrees.

² A chart containing all the comments received and the committee’s responses thereto is attached at pages 40–43.

As an alternative to revising the forms, the committee considered taking no action but decided instead to revise the forms as recommended, believing that the revisions will make the forms clearer, particularly for self-represented parties.

Implementation Requirements, Costs, and Operational Impacts

Self-help centers and clerks may need training to recognize and understand the revised forms. The hope is that, once initial training is complete, the revised forms will be helpful for parties and clerks and ultimately benefit the courts. Should the forms be issued as part of electronic case management systems, the electronic forms will need to be revised within those systems.

Attachments and Links

1. Forms CH-100, EA-100, GV-100, SV-100, and WV-100, at pages 4–39
2. Chart of comments, at pages 40–43

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

☐ Check here if there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

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

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.

4 Relationship of Parties

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

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

5 Venue

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

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

6 Other Court Cases

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

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

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

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

7 Description of Harassment

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

- a. Tell the court about the last time the person in (2) harassed you.

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

This is not a Court Order.



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

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

(4) Did the person in (2) use or threaten to use a gun or any other weapon?

- ☐ Yes ☐ No (If yes, explain below):
☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

- ☐ Yes ☐ No (If yes, explain below):
☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

(6) Did the police come? ☐ Yes ☐ No

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

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

- ☐ Me ☐ The person in (2) ☐ The persons in (3).

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

b. Has the person in (2) harassed you at other times?

- ☐ Yes ☐ No (If yes, describe prior incidents and provide dates of harassment below):
☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.



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

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

- a. ☐ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☐ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by 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) ☐ Me.

(8) ☐ My vehicle.

(2) ☐ The other persons listed in (3).

(9) ☐ Other (specify):

(3) ☐ My home.

(4) ☐ My job or workplace.

(5) ☐ My school.

(6) ☐ My children's school.

(7) ☐ My children's place of child care.

- b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? ☐ Yes ☐ No (If no, explain below):

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 ☐ 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 ☐ **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in (2) to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in (2) been told that you were going to go to court to seek a TRO against him/her?

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

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

12 ☐ **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is "Proof of Personal Service"? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

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

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.

13 ☐ **No Fee for Filing or Service**

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

14 ☐ **Lawyer's Fees and Costs**

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

The amounts requested are:

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

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

This is not a Court Order.



15 ☐ **Possession and Protection of Animals**

I ask the court to order the following:

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

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

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

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

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

16 ☐ **Additional Orders Requested**

I ask the court to make the following additional orders *(specify)*:

- ☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

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

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

This is not a Court Order.

Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

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.

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1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Sex: ☐ M ☐ F Age: _____**2 Person From Whom Protection Is Sought**

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

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.: _____

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: _____

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

This is not a Court Order.

5 Description of Protected PersonThe person named in **(1)** (check a or b):

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

6 Additional Protected Persons

- a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in **(1)**? ☐ 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.



- 10** b. (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):*
☐ the person in **(1)** ☐ the person in **(2)** ☐ 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 13b—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 ☐ **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in ② to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in ② been told that you were going to go to court to seek a TRO against him/her?

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

☐ Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15—Temporary Restraining Order" for a title.

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

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form 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 on the next page:

This is not a Court Order.



- 16 ☐ 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.

- 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 ☐ 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 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.



Read *Can a Firearms Restraining Order Help Me?* (form GV-100-INFO) before completing this form.

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council
02.07.2017

1 Petitioner

a. Your Full Name: _____

I am: ☐ A family member of the Respondent
☐ A law enforcement officer employed by
 (name of law enforcement agency): _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

c. 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. Law enforcement officer, give agency information.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Respondent

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Venue

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

a. ☐ The Respondent lives in this county.

b. ☐ Other (specify): _____

4 Other Court Cases

a. Are you aware of any other court cases, civil or criminal, involving the Respondent?

☐ Yes ☐ No If yes, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:

This is not a Court Order.



4

	<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"/> Workplace Violence			
(8)	<input type="checkbox"/> Criminal			
(9)	<input type="checkbox"/> Other (<i>specify</i>):			

b. Are there now any protective or restraining orders in effect relating to Respondent?

☐ Yes ☐ No ☐ I don't know *If yes, attach a copy if you have one.*

5 Description of Respondent's Firearms

If you have reason to believe that the respondent is in possession of firearms, answer (a) or check (b).

a. ☐ I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms and ammunition. (*Describe the number, types, and locations of any firearms and ammunition that you believe that the Respondent currently possesses or controls*):

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

6 Grounds for Issuance of a Firearms Restraining Order

I have reasonable cause to believe both of the following are true:

a. The Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm.

This is not a Court Order.



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

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

I request that the court set a hearing in this matter for the purpose of issuing a firearms restraining order that will last for one year.

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

This is not a Court Order.

10 ☐ **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is "Proof of Personal Service"? Form GV-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:

☐ Reasons stated in Attachment 10.

11 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.

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

DRAFT
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Judicial Council
02.07.2017

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____ is

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

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

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student in Need of Protection

Full Name: _____

Sex: ☐ M ☐ F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

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

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

☐ Additional protected persons are listed in Attachment 4a.

This is not a Court Order.

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

☐ Response is stated in Attachment 4b.

5 Relationship of Student and Respondent

a. How does the student know the respondent? (*Describe*):

☐ Response is stated in Attachment 5a.

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

☐ Response is stated in Attachment 5b.

6 Venue

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

a. ☐ The respondent lives in this county.

b. ☐ The respondent has caused physical or emotional injury to the student in this county.

c. ☐ Other (*specify*):

7 Other Court Cases

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

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

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

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

This is not a Court Order.



8

- Address of campus or facility: _____

- ☐ Response is stated in Attachment 8c.

A blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins or other markings on the paper.

- ☐ Response is stated in Attachment 8d.

- ☐ Response is stated in Attachment 8e.

This is not a Court Order.

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

If yes, did the student or the respondent receive an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know

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

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

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

Check the orders you want. ☒

9 Personal Conduct Orders

I ask the court to order the respondent **not** to do any of the following things to the student or to any person to be protected listed in 4:

- a. ☐ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☐ Make threats of violence against the person.
- c. ☐ Follow or stalk the person during school hours or to or from the school campus or facility.
- d. ☐ Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- e. ☐ Enter the person's school campus or facility.
- f. ☐ Other (*specify*):
☐ As stated in Attachment 9f.

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

10 Stay-Away Order

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

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

This is not a Court Order.



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

11 Guns or Other Firearms and Ammunition

Does the respondent own or possess any guns or other firearms? ☐ Yes ☐ No ☐ I don't know

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer any guns or firearms within his or her immediate possession or control.

12 ☐ Temporary Restraining Order

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

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

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

☐ Reasons are stated in Attachment 12.

13 ☐ Request for Less Than Five Days' Notice of Hearing

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

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

☐ Reasons are stated in Attachment 13.

14 ☐ No Fee for Filing

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

This is not a Court Order.



15 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16 ☐ **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 ☐ **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

☐ Additional orders requested are stated in Attachment 17.

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

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Name of petitioner



Signature

Title

I consent to the filing of the Petition.

Date: _____

Name of student



Signature

This is not a Court Order.

Petition for Workplace Violence Restraining Orders

Clerk stamps date here when form is filed.

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

DRAFT
Not approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

a. Name: _____

is a ☐ corporation ☐ sole proprietorship

☐ (specify): _____

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

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

c. Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee in Need of Protection

Full Name: _____

Sex: ☐ M ☐ F Age: _____

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Additional Protected Persons

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

☐ Yes ☐ No (If yes, list them):

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

☐ Additional protected persons are listed in Attachment 4a.

This is not a Court Order.

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

☐ Response is stated in Attachment 4b.

5 **Relationship of Employee and Respondent**

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

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

6 **Venue**

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

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

7 **Other Court Cases**

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

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

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

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

This is not a Court Order.



8 Description of Respondent's Conduct

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

Address of workplace: _____

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

☐ Response is stated in Attachment 8c.

- d. Was the employee harmed or injured? ☐ Yes ☐ No (*If yes, describe harm or injuries*):

☐ Response is stated in Attachment 8d.

- e. Did the respondent use or threaten to use a gun or any other weapon? ☐ Yes ☐ No (*If yes, describe*):

☐ Response is stated in Attachment 8e.

This is not a Court Order.

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

If yes, did the employee or the respondent receive an Emergency Protective Order?

☐ Yes ☐ No ☐ I don't know

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

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

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

Check the orders you want ☒

9 ☐ **Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in 4:

- a. ☐ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. ☐ Commit acts of unlawful violence on or make threats of violence to the person.
- c. ☐ Follow or stalk the person during work hours or to or from the place of work.
- d. ☐ Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- e. ☐ Enter the person's workplace.
- f. ☐ Other (*specify*):
☐ As stated in Attachment 9f.

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

10 **Stay-Away Order**

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

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

This is not a Court Order.

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

11 Guns or Other Firearms and Ammunition

Does the respondent own or possess any guns or other firearms? ☐ Yes ☐ No ☐ I don't know

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

12 ☐ Temporary Restraining Order

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

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

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

☐ Reasons are stated in Attachment 12.

13 ☐ Request for Less Than Five Days' Notice of Hearing

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

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

☐ Reasons are stated in Attachment 13.

14 ☐ No Fee for Filing

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

This is not a Court Order.

15 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others for free because this request for orders is based on a credible threat of violence or stalking.

16 ☐ **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 ☐ **Additional Orders Requested**

I ask the court to make the following additional orders (*specify*):

☐ Additional orders requested are stated in Attachment 17.

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

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Name of petitioner



Signature

Title

This is not a Court Order.

ITC SPR17-24

Title of proposal (Protective Orders: Requests for Immediate Orders)

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

	Commentator	Position	Comment	Committee Response
1.	Orange County Bar Association by Michael L. Baroni, President	A	In response to the specific question: Yes, these forms accomplish the purpose for which they are intended.	The committee acknowledges the commenter's agreement with the proposal.
2.	State Bar of California, Standing Committee on the Delivery of Legal Services by Sharon Djemal, Chair	A	<p>Specific Comments</p> <ul style="list-style-type: none"> • Does <u>the proposal appropriately address the stated purpose?</u> <p>Yes.</p> <p>Additional Comments</p> <p>Regarding the revision to forms so the petitioner may indicate affirmatively if he or she is requesting a temporary order “with notice,” SCDLS agrees with the proposal because the way it is currently written is confusing. The revision simply takes away the confusion.</p> <p>Regarding the revision to the forms to read “Temporary Restraining Order” instead of the following, SCDLS supports it since it will take away confusion that exists with the way the current forms are written: “Immediate Orders” on the CH and EA forms, “Request for Immediate Orders Without Notice” on the SV and WV forms, and “Request for Immediate Temporary Order” on the GV form.</p> <p>These revisions will make the process easier, especially for low and moderate-income clients, self-represented litigants, limited and non-</p>	<p>The committee acknowledges the commenter's agreement with the proposal.</p> <p>The committee is glad to receive confirmation that there is a need for this form revision.</p>

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			English speakers and other underrepresented and vulnerable individuals, because the forms as they are now written are confusing. Also, simplifying the forms will help pro bono attorneys who are new to this area of law as the new forms will be clearer and easier to understand. The better experience pro bono attorneys have, the more likely they are to take more pro bono cases. The easier it is for pro bono attorneys to understand the forms and fill in the forms, more indigent individuals will be helped by pro bono attorneys.	
3.	Superior Court of Los Angeles County	A	No Comment	The committee acknowledges the commenter's agreement with the proposal.
4.	Superior Court of Orange County Civil and Probate Operations by: Civil and Probate Operations Managers	NI	While the change to the term temporary seems appropriate, the former language regarding that the temporary orders "will last until the hearing" should not be removed. It clarifies how temporary the TRO will be.	The committee agrees with the comment and will add this language back to the form.
5.	Superior Court of Riverside County by Susan D. Ryan Chief Deputy of Legal Services	AM	Position on Proposal: Agree with the proposal with the following input and proposed changes: The proposed amendments are unnecessarily confusing. Several of them insert a section requesting that the TRO be issued without notice and then have in the next section a request that the TRO be given with less than 5 days' notice. These can be easily combined.	The committee notes the general agreement, and addresses the individual points as follows. The commentator is confusing two different notices. The notice involved in the Item to be renamed Temporary Restraining Orders is the notice that the petitioner might or might not give to the respondent that s/he is going to court to seek the temporary restraining order. Request to Give Less Than Five-Days' Notice is a plain-

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		<p>Have the person filling out the form pick from one of three options: I have given five days' notice, I request that the order be made on less than five days' notice, I request that the order be made without notice. If you have selected either the second or third of these, explain why in the space below.</p> <p>Given that temporary restraining orders are critical to the concept of restraining orders as a whole, the affirmative request for a Temporary Order should be moved up to page 2 before #8 or #10.</p> <p>In addition, the TRO request should not be a check off box but an automatic request on the petition.</p> <p><u>Does the proposal appropriately address the stated purpose?</u></p> <p>Yes.</p>	<p>language translation of Order Shortening Time, which is a request to reduce the time between service and the hearing to be held on a more permanent order.</p> <p>Also, see the committee's response to the comment of the Superior Court of San Diego below, which proposes a revision that should be clearer.</p> <p>If the TRO item is moved to page 2, it would precede item 7, which is the recitation of facts. The committee does not believe that is the best organization of the form. Items 8 and 10 (and Item 9) are the specific orders requested. The committee also does not believe that putting the TRO before the specific orders being sought is the best organization.</p> <p>The committee suspects that the commentator is really thinking about Domestic Violence, for which a TRO is nearly always sought because there is nearly always a need for immediate intervention. But even for DV, taking off the checkbox would indicate that a TRO is always required, which is not the law. For civil proceedings, there are many scenarios for which immediacy is not a need.</p> <p>The committee acknowledges and appreciates the responses to the specific questions asked on the Invitation to Comment.</p>

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			<p><u>Would the proposal provide cost savings? If so please quantify.</u></p> <p>No.</p> <p><u>What would the implementation requirements be for courts?</u></p> <p>Training for court staff on how to explain what notice and without notice means to the self-represented litigant.</p>	
6.	Superior Court of San Diego County by Mike Roddy Executive Officer San Diego, CA 92101	AM	<p>Q: Does the proposal appropriately address the stated purpose?</p> <p>Yes. Our court requests the question following the request for temporary orders be reworded for clarity to the following:</p> <p>“Was notice provided to the person in 2? The way it is currently worded would lead a party who had provided notice to select “no”, which may cause confusion to the petitioning party.</p> <p>Q: Would the proposal provide cost savings? If so, please quantify. No</p> <p>Q: What would the implementation requirements be for courts? Updating training materials, forms packets, and notifying staff</p>	<p>The committee notes the general agreement, and addresses the individual points as follows.</p> <p>The committee agrees that it is better to frame the question in terms of what the petitioner has done, not what the petitioner wants the court to do. The committee has revised this item to read:</p> <p><i>Has (the respondent) been told that you were going to go to court to seek a TRO against him/her? [] Yes [] No (If you answered no, explain why below)”</i></p> <p>The committee acknowledges and appreciates the responses to the specific questions asked in the Invitation to Comment.</p>