



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: Modification and Termination	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
Adopt forms CH-600, CH-610, CH-620, CH-630, EA-600, EA-610, EA-620, EA-630, SV-600, SV-610, SV-620, SV-630, WV-600, WV-610, WV-620, WV-630	January 1, 2018
Recommended by	Date of Report
Civil and Small Claims Advisory Committee	July 5, 2017
Hon. Raymond M. Cadei, Chair	Contact
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Executive Summary

The Civil and Small Claims Advisory Committee recommends the adoption of 16 new forms for requests and orders for the modification or termination of civil restraining orders. There are four sets of parallel forms to improve access to the courts in proceedings to prevent civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence.

Recommendation

The Civil and Small Claims Advisory Committee recommends the Judicial Council, effective January 1, 2018, adopt the following new forms:

1. Civil harassment (CH) prevention:

- *Request to Modify/Terminate Civil Harassment Restraining Order* (form CH-600)
- *Notice of Hearing to Modify/Terminate Civil Harassment Restraining Order* (form CH-610)

- *Response to Request to Modify/Terminate Civil Harassment Restraining Order* (form CH-620)
 - *Order on Request to Modify/Terminate Civil Harassment Restraining Order* (form CH-630)
2. Elder or dependent adult abuse (EA) prevention:
- *Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order* (form EA-600)
 - *Notice of Hearing on Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order* (form EA-610)
 - *Response to Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order* (form EA-620)
 - *Order on Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order* (form EA-630)
3. Private postsecondary school violence (SV) prevention:
- *Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (form SV-600)
 - *Notice of Hearing on Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (form SV-610)
 - *Response to Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (form SV-620)
 - *Order on Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (form SV-630)
4. Workplace violence (WV) prevention:
- *Request to Modify/Terminate Workplace Violence Restraining Order* (form WV-600)
 - *Notice of Hearing on Request to Modify/Terminate Workplace Violence Restraining Order* (form WV-610)
 - *Response to Request to Modify/Terminate Workplace Violence Restraining Order* (form WV-620)
 - *Order on Request to Modify/Terminate Workplace Violence Restraining Order* (form WV-630)

The new forms are attached beginning at page 7.

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, elder and dependent adult abuse, workplace violence, and private postsecondary school violence protective order matters. The council has adopted forms in this area before—for requesting, responding to, and issuing protective or restraining orders to prevent civil harassment, elder and dependent adult abuse,

private postsecondary school violence, and workplace violence—but has not previously been asked to consider forms relating to requests to modify or terminate restraining orders in these areas. All of the forms in this proposal are new.

Rationale for Recommendation

The statutes that govern the legal standards and procedures for the issuance of civil restraining orders (i.e., for orders preventing civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence) require that the Judicial Council develop forms, instructions, and rules relating to those matters and that the forms be mandatory.¹ The statutes also provide that an order issued after notice and hearing is subject to termination or modification by further order of the court upon the written stipulation or request of a party.² While the statutes include some provisions regarding such requests, until now there have been no forms developed for parties to use to request modification or termination of the orders. The Civil and Small Claims Advisory Committee believes that the new forms will make it easier for self-represented parties, especially, to be able to seek modification or termination of civil restraining orders.

Request to modify or terminate restraining order (forms CH-600, EA-600, SV-600, and WV-600)

The forms numbered 600 provide the means by which a party either protected or restrained by an order after hearing can ask the court to modify or terminate the restraining orders. These forms, like the others recommended in this proposal and other forms relating to protective orders, are in plain language and are set up to be filled out by hand, if desired. They will also be available to be filled out online.

The forms provide spaces for the party seeking the modification or termination to identify the original order and to explain what change or changes are wanted and why. There is also an item to allow for a request for attorney's fees, and instructions to the petitioning party to serve the papers on any other parties in the case. As provided by statute, the instructions note that service on the protected party must be in person, but also remind the restrained person that this is not a reason for him or her personally to be in touch with the protected person.

The request forms may be signed by a lawyer but also include a signature line for the party, who must sign under penalty of perjury.

Notice of hearing on request to modify or terminate restraining order (forms CH-610, EA-610, SV-610, and WV-610)

The forms numbered 610 provide the means by which a moving party can provide the other party with notice of the hearing on a request for the court to modify or terminate the

¹ See Code Civ. Proc., §§ 527.6(w), 527.8(v), 527.85(v); Welf. & Inst. Code, § 15657.03(y).

² See Code Civ. Proc., §§ 527.6(j), 527.8(k), 527.85(k); Welf. & Inst. Code, § 15657.03(i).

restraining orders. These forms include the date and time of the hearing, further instructions regarding what must be served, and instructions to the other side as to how to make a response, if desired, and how to seek accommodations for any disability at the hearing.

Response to request to modify or terminate restraining order (forms CH-620, EA-620, SV-620, and WV-620)

The forms numbered 620 provide a way for other party to respond to the request for termination or modification, if he or she desires to do so. There are options to agree to all or part of the request or to disagree, and to provide any reasons for disagreeing. There is also an item for seeking attorney's fees and a signature line for a lawyer. There is also a signature line for the party, who must sign under penalty of perjury. There are instructions at the end for serving and filing the form.

Order on request to modify or terminate restraining order (forms CH- 630, EA-630, SV-630, and WV-630)

The forms numbered 630 are forms on which the court issues its ruling after hearing a request to modify or terminate an order. The form provides that the order that the party is requesting be modified or terminated be attached (either the original or a renewed restraining order) and provides options for denying the request or granting it. If a request for modification is granted, there is space for identifying the items in the original order that are being changed and describing the changes.

As on the forms for an original or renewed restraining order, there is also an item for ordering how the new information is to be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). The form ends with an order to serve it (or not, if appropriate, due to the other party attending the hearing) and an item for a clerk's certificate.

Comments, Alternatives Considered, and Policy Implications

Comments received

The revised forms were circulated for comment during the spring 2017 invitation-to-comment period. Eight comments were received from five trial courts (Los Angeles County, Orange County, Riverside County, San Diego County, and Ventura County) as well as from the Orange County Bar Association, the Standing Committee on the Delivery of Legal Services of the State Bar, and the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee (TCPJAC/CEAC) Joint Rules Subcommittee.

All but one commenter stated they were generally in favor of the proposed forms, with one commenter not indicating a position, and a few seeking some modifications to the forms. The principal comments are addressed below.³

³ A chart containing all the comments received, and the committee's responses, is attached to this report following the forms.

The State Bar committee noted the usefulness of the new forms:

The forms are beneficial because it makes the process for modifying or terminating protective orders easier/smoothen and makes the court system more accessible to those without an attorney. The forms also will help pro bono attorneys since they will be able to enter the information into forms rather than draft pleadings for these types of cases. By increasing efficiencies for pro bono attorneys, more indigent individuals will be helped.

The Superior Court of Riverside County commented on the added accessibility that the forms will provide, noting that the court may be holding more hearings as a result. That court also suggested that new information sheets for the use of these forms would be helpful. The committee agrees and will consider developing those as time and resources permit.

There were several suggestions relating to the service instructions on the forms:

- The TCPJAC/CEAC Joint Rules Subcommittee suggested:
 - Adding the information that the requirement of personal service of the request on the protected party should not be viewed as a justification for the restrained party to contact the protected party. The committee agreed with that proposal and amended the forms to reflect that.
 - Including instructions in the elder abuse forms to serve papers on conservators of a protected elder person even if he or she was not in the initial case. The committee declines to make this modification to the form because service on a nonparty conservator does not appear to be statutorily required. (See Welf. & Inst. Code, § 15657.03). A form cannot require an act that is not otherwise required by law.
 - Noting that in WV cases, service on the employer should be addressed on the forms. The committee agreed and has modified both the WV and SV forms to include the original petitioner among those who should be served.
- The Superior Court of San Diego County suggested that the service instructions on the order form (e.g., item 7 on form CH-630), be modified to more closely parallel the service provision on form CH-130 (item 13 on that form). The committee notes, however, that on form CH-130 it is assumed that service will be on the restrained person, and so can easily cross-reference to the item in the form identifying who is to be served. In a modification proceeding, on the other hand, it may be either the protected person or the restrained person who is the prevailing party, and who must therefore serve the other with the order. Therefore, an exact duplicate of the service provisions is not appropriate.
- In reviewing the above comments, the committee saw the need for a further modification in the forms numbered 600 to add instructions to a protected person as to how he or she should provide service if seeking modification. (The 600-numbered forms as circulated had provided instructions only to a restrained person seeking modification.)

Several courts and the TCPJAC/CEAC Joint Rules Subcommittee also suggested other minor text changes to make the forms more consistent, most of which have been implemented in the forms recommended here.

The Superior Court of Orange County disagreed with the proposed order forms (the 630 series), asserting that a new order form stating that it is modifying a prior order will create confusion and additional work because law enforcement would have to review two forms, the original or renewed order and the modification order. The commenter suggested that the decision as to the requested modification or termination be recorded in a minute order and then made on an amended form CH-130 (order after hearing). The committee discussed this comment at length and consulted with protective order staff regarding the form at committee members' courts. Ultimately, the committee concluded that the proposed change would itself be confusing. However, the committee will try to monitor this point with law enforcement and consider further modification should the procedures be problematic.

Alternatives considered

The committee considered not taking any action but decided it would be better to develop the new forms to improve access to the courts. The committee also considered including an item on the request forms (the 600 series) in which the moving party could assert that the other side agreed with the proposed modification or termination. Upon further consideration, and in light of comments received from the TCPJAC/CEAC Joint Rules Subcommittee, the committee decided not to include this item in the forms. As noted by the commenter, the item could create confusion and lead to the belief that a restrained person can contact a protected person to achieve such an agreement. A statement of agreement is not necessary on the form, and any formal stipulation can be submitted by lawyers in writing to the court.

Implementation Requirements, Costs, and Operational Impacts

Self-help centers and court staff may need training to be aware of and understand the new forms. The intention of the proposal is that, once initial training is completed, the new forms will assist parties in making requests to modify or terminate protective orders correctly and will ultimately benefit the courts. If the new forms are issued as part of electronic case management systems, the systems may require some modifications to use the new forms.

Attachments and Links

1. Forms CH-600, CH-610, CH-620, CH-630, EA-600, EA-610, EA-620, EA-630, SV-600, SV-610, SV-620, SV-630, WV-600, WV-610, WV-620, WV-630, at pages 7–47
2. Chart of comments, at pages 48–52

DRAFT
Not approved by the
Judicial Council**1 Party Seeking Modification/Termination**

- a. Your Full Name: _____
- b. ☐ Protected person ☐ Restrained person
- c. Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- d. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Other Party**

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

3 Current Order

- a. The current order is a/an:
☐ Civil Harassment Restraining Order After Hearing (form CH-130)
☐ Order Renewing Civil Harassment Restraining Order (form CH-730)
- b. The current order expires on (date): _____
- c. ☐ A copy of the current order is attached.

4 ☐ Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (specify requested changes referring to the item number in order that you want to change or delete):

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a—Requested Changes" for a title. You may use form MC-025, Attachment.



b. I ask the court to modify the order because (*explain below*):

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 4b—Reasons for Requested Changes” for a title. You may use form MC-025, Attachment.

[illegible]

5 ☐ **Request to Terminate Restraining Order**

I ask the court to terminate the current order because *(give reasons below)*:

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 5—Reasons to Terminate Order” for a title. You may use form MC-025, Attachment.

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.


6 ☐ **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 6—Lawyer's Fees and Costs" for a title.

Date: _____

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

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

Date: _____

Type or print your name _____
Sign your name

Notice of Hearing on Request to
☐ **Modify** ☐ **Terminate**
Civil Harassment Restraining Order

Clerk stamps date here when form is filed.

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Party seeking order completes items ① and ②.

① Party Seeking Modification/Termination

- a. Your Full Name: _____
- 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.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Other Party

- a. Full Name: _____
- b. Address (if known): _____
 City: _____ State: _____ Zip: _____

③ Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect unless terminated by the court.

**Hearing
Date** →

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

Name and address of court if different from above:

④ Service on Other Party

- a. Someone age 18 or older—**not you**—must serve a copy of the following forms on the other party:
- CH-600, *Request to Modify/Terminate Civil Harassment Restraining Order*;
 - CH-610, *Notice of Hearing on Request to Modify/Terminate Civil Harassment Restraining Order* (this form);
 - CH-620, *Response to Request to Modify/Terminate Civil Harassment Restraining Order* (blank copy).

The forms must be served on the other party _____ days before the hearing.



- b. **If you are the restrained person:** You must have the protected person personally served with these forms. This requirement of personal service on the protected person is not a justification for you to violate the terms of the civil harassment restraining order.
- c. **If you are the protected person:** The restrained person may be served with these forms by mail.
- d. The person who serves the forms must fill out either form CH-200, *Proof of Personal Service*, or form CH-250, *Proof of Service of Response by Mail*. Have the person who served sign the original. Take the signed original proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see form CH-200-INFO, *What Is "Proof of Personal Service"?*.

Date: _____

Clerk, by _____, Deputy

To the Other Party:

If you wish to make a written response to this request to modify or terminate the current civil harassment restraining order, you may fill out form CH-620, *Response to Request to Modify/Terminate Civil Harassment Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the other party at the address in ① at least _____ days before the hearing. Also file form CH-250, *Proof of Service of Response by Mail*, with the court before the hearing.

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Modify/Terminate Civil Harassment Restraining Order* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Response to Request to
☐ **Modify** ☐ **Terminate**
Civil Harassment Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Use this form to respond to the *Request to Modify or Terminate Civil Harassment Restraining Order* (form CH-600).

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the other party at the address in (2) below. Use form CH-250, *Proof of Service of Response by Mail*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your response at the hearing. Write your hearing date, time, and place from form CH-610 item (3) here.

**Hearing
Date** →

Date: _____

Time: _____

Dept.: _____ Room: _____

(1) Party Filing Response

a. Your Full Name: _____

b. ☐ Protected person ☐ Restrained person

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: _____

(2) Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

(3) Response

a. ☐ I agree to the ☐ Modification ☐ Termination of the order.

b. ☐ I do not agree to the ☐ Modification ☐ Termination
(Specify why you disagree in item (4) on page 2.)

c. ☐ I agree to the following orders (*specify below or in item (4) on page 2*):



4 ☐ **Reasons I Do Not Agree to the** ☐ **Modification** ☐ **Termination**

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

5 ☐ **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>
<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 5—Lawyer's Fees and Costs" for a title.

- b. ☐ I ask the court to deny the request of the other party that I pay his or her lawyer's fees and costs.

Date:

Lawyer's name, if you have one



Lawyer's signature

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

Date:

Type or print your name



Sign your name

To the Party Filing This Response:

Have someone age 18 or older—**not you**—mail a copy of this completed form CH-620 to the other party or to the other party's lawyer, if any. This is called "service by mail." The person who serves the form by mail must fill out form CH-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the signed original proof-of-service form back to the court clerk or bring it with you to the hearing.

Order on Request to☐ **Modify** ☐ **Terminate****Civil Harassment Restraining Order**

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Prevailing party completes items ① and ②.

① Party Seeking Modification/Termination

a. Full Name: _____

Lawyer (if any for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If this party has a lawyer, give the lawyer's information.
If the party does not have a lawyer and wants to keep home
address private, give a different mailing address instead.
Telephone, fax, or e-mail are not required.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**② Other Party**

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

③ HearingThere was a hearing on (date): _____ at time: _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. ☐ The party seeking ☐ modification ☐ terminationb. ☐ The party opposing ☐ modification ☐ terminationc. ☐ The lawyer for the party seeking ☐ modification ☐ termination (name): _____d. ☐ The lawyer for the party opposing ☐ modification ☐ termination (name): _____**④ Order**☐ The request to ☐ modify ☐ terminate the attached☐ Civil Harassment Restraining Order After Hearing (form CH-130)☐ Order Renewing Civil Harassment Restraining Order (form CH-730)

originally issued on (date): _____ is:

a. ☐ **DENIED.** The order and expiration date remain the same.**This is a Court Order.**

b. ☐ **DENIED** without prejudice because the other party was not served on time.

c. ☐ **GRANTED**.

(1) ☐ The order is **TERMINATED** as of the date this Order is signed on page 3.

(2) ☐ The order is **MODIFIED** as stated: ☐ Below ☐ On Attachment 4c(2)

(Specify, referring to item numbers in the original order):

(3) The order now **EXPIRES** on (date): _____ at (time): _____

5 ☐ 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 5.

6 ☐ 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 prevailing party 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 6.

This is a Court Order.



To the Prevailing Party:**7 Service of Order**

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented by a lawyer, you must serve the lawyer instead of the party.

- ☐ The other party attended the hearing. **No further service is required.**
- ☐ **Order Granted**—The other party did not attend the hearing. **Service is required.** This Order:
- ☐ must be personally served on the other party within _____ days of the date of this Order.
 - ☐ may be served by mail on the other party within 5 days of the date of this Order.
- ☐ **Order Denied**—The other party did not attend the hearing. **Service by Mail:** The other party may be served with this Order by mail.

Date: _____

*Judicial Officer**(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]

I certify that this *Order on Request to Modify/Terminate Civil Harassment 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.

**Request to ☐ Modify ☐ Terminate
Elder or Dependent Adult Abuse
Restraining Order**

Clerk stamps date here when form is filed.

DRAFT
**Not approved by
the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Modification/Termination

- a. Your Full Name: _____
- b. ☐ Protected person ☐ Restrained person ☐ Conservator/Other
- c. Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- d. 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 Other Party

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

3 Current Order

- a. The current order is an:
☐ Elder or Dependent Adult Abuse Restraining Order After Hearing (form EA-130)
☐ Order Renewing Elder or Dependent Adult Abuse Restraining Order (form EA-730)
- b. The current order expires on (date): _____
- c. ☐ A copy of the current order is attached.

4 ☐ Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (specify requested changes referring to the item number in order that you want to change or delete):

☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a—Requested Changes" for a title. You may use form MC-025, Attachment.



b. I ask the court to modify the order because (*explain below*):

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 4b—Reasons for Requested Changes” for a title. You may use form MC-025, Attachment.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on its right side, suggesting it's resting on a surface.

5 ☐ **Request to Terminate Restraining Order**

I ask the court to terminate the current order because *(give reasons below)*:

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 5—Reasons to Terminate Order” for a title. You may use form MC-025, Attachment.

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.

6 ☐ **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 6—Lawyer's Fees and Costs" for a title.

Date: _____

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

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

Date: _____

Type or print your name_____
Sign your name

Notice of Hearing on Request to

☐ Modify ☐ Terminate Elder or
Dependent Adult Abuse Restraining Order

Clerk stamps date here when form is filed.

DRAFT

Not Approved by Judicial
Council

Party seeking order completes items ① and ②.

① Party Seeking Modification/Termination

- a. Your Full Name: _____
- 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.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

② Other Party

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

③ Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect unless terminated by the court.

Hearing
Date

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

Name and address of court if different from above:

④ Service on Other Party

- a. Someone age 18 or older—**not you**—must serve a copy of the following forms on the other party or parties:
- EA-600, Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order;
 - EA-610, Notice of Hearing on Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order (this form);
 - EA-620, Response to Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order (blank copy).

The forms must be served on the other party _____ days before the hearing.



- b. **If you are the restrained person:** You must have the protected person personally served with these forms. This requirement of personal service on the protected person is not a justification for you to violate the terms of the civil harassment restraining order. If the person who originally requested the restraining order was someone other than the protected person, you must also serve that person. Service on that person may be by mail.
- c. **If you are the person who originally requested the order but not the protected person, and you are requesting modification or termination other than at the request of the protected person:** You must have the protected person personally served with these forms. You must also serve the restrained person. Service on the restrained person may be by mail.
- d. **If you are the protected person:** The restrained person may be served with these forms by mail.
- e. The person who serves the forms must fill out either form EA-200, *Proof of Personal Service*, or form EA-250, *Proof of Service of Response by Mail* (or both). Have the person who served sign the original. Take the signed original proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see form EA-200-INFO, *What Is "Proof of Personal Service"?*

Date: _____ Clerk, by _____, Deputy

To the Other Party:

If you wish to make a written response to this request to modify or terminate the current civil harassment restraining order, you may fill out form EA-620, *Response to Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the other party at the address in ① at least _____ days before the hearing. Also file form EA-250, *Proof of Service of Response by Mail*, with the court before the hearing.

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Modify/Terminate Elder or Dependent Adult Abuse Restraining Order* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Response to Request to

☐ Modify ☐ Terminate Elder or
Dependent Adult Abuse Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Use this form to respond to the *Request to Modify or Terminate Elder or Dependent Adult Abuse Restraining Order* (form EA-600).

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the other party at the address in (2) below. Use form EA-250, *Proof of Service of Response by Mail*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your response at the hearing. Write your hearing date, time, and place from form EA-610 item (3) here.

**Hearing
Date** →

Date: _____

Time: _____

Dept.: _____ Room: _____

1 Party Filing Response

- a. Your Full Name: _____
- b. ☐ Protected person ☐ Restrained person ☐ Conservator/Other

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: _____

2 Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

3 Response

- a. ☐ I agree to the ☐ Modification ☐ Termination of the order.
- b. ☐ I do not agree to the ☐ Modification ☐ Termination
(Specify why you disagree in item (4) on page 2.)
- c. ☐ I agree to the following orders (specify below or in item (4) on page 2):



4 ☐ **Reasons I Do Not Agree to the** ☐ **Modification** ☐ **Termination**

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

5 ☐ **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>
<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 5—Lawyer's Fees and Costs" for a title.

- b. ☐ I ask the court to deny the request of the other party that I pay his or her lawyer's fees and costs.

Date:

Lawyer's name, if you have one



Lawyer's signature

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

Date:

Type or print your name



Sign your name

To the Party Filing This Response:

Have someone age 18 or older—**not you**—mail a copy of this completed form EA-620 to the other party or to the other party's lawyer, if any. This is called "service by mail." The person who serves the form by mail must fill out form EA-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the signed original proof-of-service form back to the court clerk or bring it with you to the hearing.

Order on Request to

☐ Modify ☐ Terminate Elder or
Dependent Adult Abuse Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

Prevailing party completes items ① and ②.

① **Party Seeking Modification/Termination**

a. Full Name: _____

Lawyer (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If this party has a lawyer, give the lawyer's information.
If the party does not have a lawyer and wants to keep home
address private, give a different mailing address instead.
Telephone, fax, or e-mail are not required.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② **Other Party**

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

③ **Hearing**

There was a hearing on (date): _____ at time: _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. ☐ The party seeking ☐ modification ☐ termination

b. ☐ The party opposing ☐ modification ☐ termination

c. ☐ The lawyer for the party seeking ☐ modification ☐ termination (name): _____

d. ☐ The lawyer for the party opposing ☐ modification ☐ termination (name): _____

④ **Order**

☐ The request to ☐ modify ☐ terminate the attached

☐ Elder or Dependent Adult Abuse Restraining Order After Hearing (form EA-130)

☐ Order Renewing Elder or Dependent Adult Abuse Restraining Order (form EA-730)

originally issued on (date): _____ is:

a. ☐ **DENIED.** The order and expiration date remain the same.

This is a Court Order.



b. ☐ **DENIED** without prejudice because the other party was not served on time.

c. ☐ **GRANTED**.

(1) ☐ The order is **TERMINATED** as of the date this Order is signed on page 3.

(2) ☐ The order is **MODIFIED** as stated: ☐ Below ☐ On Attachment 4c(2)

(Specify, referring to item numbers in the original order):

(3) The order now **EXPIRES** on (date): _____ at (time): _____

5 ☐ 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 5.

6 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 prevailing party 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 6.

This is a Court Order.



To the Prevailing Party:**7 Service of Order**

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented by a lawyer, you must serve the lawyer instead of the party.

- ☐ The other party attended the hearing. **No further service is required.**
- ☐ **Order Granted**—The other party did not attend the hearing. **Service is required.** This Order:
- ☐ must be personally served on the other party within _____ days of the date of this Order.
 - ☐ may be served by mail on the other party within 5 days of the date of this Order.
- ☐ **Order Denied**—The other party did not attend the hearing. **Service by Mail:** The other party may be served with this Order by mail.

Date: _____

*Judicial Officer**(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]

I certify that this *Order on Request to Modify/Terminate Elder or Dependent Adult Abuse 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.

**Request to ☐ Modify ☐ Terminate
Private Postsecondary School
Violence Restraining Order**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Modification/Termination

- a. Your Full Name: _____
- b. ☐ Petitioner ☐ Respondent
- c. Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- d. 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 Other Party

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

3 Current Order

- a. The current order is a/an:
☐ Private Postsecondary School Violence Restraining Order After Hearing (form SV-130)
☐ Order Renewing Private Postsecondary School Violence Restraining Order (form SV-730)
- b. The current order expires on (date): _____
- c. ☐ A copy of the current order is attached.

4 ☐ Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (specify requested changes referring to the item number in order that you want to change or delete):

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a—Requested Changes" for a title. You may use form MC-025, Attachment.

b. I ask the court to modify the order because (*explain below*):

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 4b—Reasons for Requested Changes” for a title. You may use form MC-025, Attachment.

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

5 ☐ **Request to Terminate Restraining Order**

I ask the court to terminate the current order because *(give reasons below)*:

- ☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 5—Reasons to Terminate Order” for a title. You may use form MC-025, Attachment.

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.

Case Number:

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Notice of Hearing on Request to
☐ **Modify** ☐ **Terminate** **Private**
Postsecondary School Violence
Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not Approved by Judicial
Council

Party seeking order completes items ① and ②.

① Party Seeking Modification/Termination

- a. Your Full Name: _____
- 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.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Other Party

- a. Full Name: _____
- b. Address (if known): _____
 City: _____ State: _____ Zip: _____

③ Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect unless terminated by the court.

**Hearing
Date** →

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

④ Service on Other Party

Someone age 18 or older—**not you**—must serve a copy of the following forms on the other party or parties:

- SV-600, *Request to Modify/Terminate Private Postsecondary School Violence Restraining Order*;
- SV-610, *Notice of Hearing on Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (this form);
- SV-620, *Response to Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* (blank copy).

The forms must be served on the other party _____ days before the hearing.



- b. **If you are the Respondent: You must have the protected person personally served with these forms. This requirement of personal service on the protected person is not a justification for you to violate the terms of the restraining order.** You must also serve the Petitioner educational institution officer or employee. Service on the Petitioner may be by mail.
- c. **If you are the Petitioner Education Institution Officer or Employee and you are requesting modification or termination other than at the request of the protected person: You must have the protected person personally served with these forms.** You must also serve the Respondent. Service on the Respondent may be by mail.
- d. **If you are the Protected Person:** The Respondent and Petitioner educational institution officer or employee may be served with these forms by mail.
- e. The person who serves the forms must fill out either form SV-200, *Proof of Personal Service*, or form SV-250, *Proof of Service of Response by Mail* (or both). Have the person who served sign the original. Take the signed original proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see form SV-200-INFO, *What Is "Proof of Personal Service"?*

Date: _____ Clerk, by _____, Deputy

To the Other Party:

If you wish to make a written response to this request to modify or terminate the current private postsecondary school violence restraining order, you may fill out form SV-620, *Response to Request to Modify/Terminate Private Postsecondary School Violence Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**—mail a copy of it to the other party at the address in ① at least _____ days before the hearing. Also file form SV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Modify/Terminate Private Postsecondary School Violence Restraining Order* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

SV-620**Response to Request to****☐ Modify ☐ Terminate Private
Postsecondary School Violence
Restraining Order**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by the
Judicial Council****Use this form to respond to the *Request to Modify or Terminate Private Postsecondary School Violence Restraining Order* (form SV-600).**

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the other party at the address in (2) below. Use form SV-250, *Proof of Service of Response by Mail*.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-610 item (3) here.

**Hearing
Date**

Date: _____

Time: _____

Dept.: _____ Room: _____

(1) Party Filing Response

a. Your Full Name: _____

b. ☐ Petitioner ☐ RespondentYour 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: _____

(2) Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

(3) Responsea. ☐ I agree to the ☐ Modification ☐ Termination of the order.

b. ☐ I do not agree to the ☐ Modification ☐ Termination
(Specify why you disagree in item (4) on page 2.)

c. ☐ I agree to the following orders (*specify below or in item (4) on page 2*):



SV-630**Order on Request to**☐ **Modify** ☐ **Terminate****Private Postsecondary School Violence
Restraining Order**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by the
Judicial Council**

Prevailing party completes items ① and ②.

① Party Seeking Modification/Termination

a. Full Name: _____

Lawyer (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If this party has a lawyer, give the lawyer's information.
If the party does not have a lawyer and wants to keep home
address private, give a different mailing address instead.
Telephone, fax, or e-mail are not required.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**② Other Party**

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

③ HearingThere was a hearing on (date): _____ at time: _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. ☐ The party seeking ☐ modification ☐ terminationb. ☐ The party opposing ☐ modification ☐ terminationc. ☐ The lawyer for the party seeking ☐ modification ☐ termination (name): _____d. ☐ The lawyer for the party opposing ☐ modification ☐ termination (name): _____**④ Order**☐ The request to ☐ modify ☐ terminate the attached☐ Private Postsecondary School Violence Restraining Order After Hearing (form SV-130)☐ Order Renewing Private Postsecondary School Violence Restraining Order (form SV-730)

originally issued on (date): _____ is:

a. ☐ **DENIED.** The order and expiration date remain the same.**This is a Court Order.**

b. ☐ **DENIED** without prejudice because the other party was not served on time.

c. ☐ **GRANTED**.

(1) ☐ The order is **TERMINATED** as of the date this Order is signed on page 3.

(2) ☐ The order is **MODIFIED** as stated: ☐ Below ☐ On Attachment 4c(2)

(Specify, referring to item numbers in the original order):

(3) The order now **EXPIRES** on *(date)*: _____ at *(time)*: _____

5 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 prevailing party 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 5.

This is a Court Order.



To the Prevailing Party:**⑥ Service of Order**

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented by a lawyer, you must serve the lawyer instead of the party.

- ☐ The other party attended the hearing. **No further service is required.**
- ☐ **Order Granted**—The other party did not attend the hearing. **Service is required.** This Order
- ☐ must be personally served on the other party within _____ days of the date of this Order.
- ☐ may be served by mail on the other party within 5 days of the date of this Order.
- ☐ **Order Denied**—The other party did not attend the hearing. **Service by Mail:** The other party may be served with this Order by mail.

Date: _____

*Judicial Officer**(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]

I certify that this *Order on Request to Modify/Terminate Private Postsecondary School Violence 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.

**Request to ☐ Modify ☐ Terminate
Workplace Violence Restraining
Order**

Clerk stamps date here when form is filed.

**DRAFT
Not approved by the
Judicial Council**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Party Seeking Modification/Termination

- a. Your Full Name: _____
- b. ☐ Petitioner ☐ Respondent
- c. Your Lawyer (if you have one for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
- d. 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 Other Party

- a. Full Name: _____
- b. Address (if known): _____
City: _____ State: _____ Zip: _____

3 Current Order

- a. The current order is a/an:
☐ Workplace Violence Restraining Order After Hearing (form WV-130)
☐ Order Renewing Workplace Violence Restraining Order (form WV-730)
- b. The current order expires on (date): _____
- c. ☐ A copy of the current order is attached.

4 ☐ Request to Modify Restraining Order

- a. I ask the court to modify the current order as follows (specify requested changes referring to the item number in order that you want to change or delete):

☐ Check here if there is not enough space for your answer. Attach a sheet of paper and write "Attachment 4a—Requested Changes" for a title. You may use form MC-025, Attachment.



Case Number:

Date: _____

Lawyer's name (if any)



Lawyer's signature

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

Date: _____

Type or print your name



Sign your name

Notice of Hearing on Request to
☐ **Modify** ☐ **Terminate**
Workplace Violence Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not Approved by Judicial
Council

Party seeking order completes items ① and ②.

① Party Seeking Modification/Termination

- a. Your Full Name: _____
- 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.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

② Other Party

- a. Full Name: _____
- b. Address (if known): _____
 City: _____ State: _____ Zip: _____

③ Court Hearing

The judge has set a court hearing date. Court will fill in box below.

The current restraining order stays in effect unless terminated by the court.

**Hearing
Date** →

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

Name and address of court if different from above:

④ Service on Other Party

Someone age 18 or older—**not you**—must serve a copy of the following forms on the other party or parties:

- WV-600, *Request to Modify/Terminate Workplace Violence Restraining Order*;
- WV-610, *Notice of Hearing on Request to Modify/Terminate Workplace Violence Restraining Order* (this form);
- WV-620, *Response to Request to Modify/Terminate Workplace Violence Restraining Order* (blank copy).

The forms must be served on the other party _____ days before the hearing.



- b. **If you are the Respondent: You must have the Protected Person personally served with these forms. This requirement of personal service on the Protected Person is not a justification for you to violate the terms of the restraining order.** You must also serve the Petitioner employer. Service on the employer may be by mail.
- c. **If you are the Petitioner employer and you are requesting modification or termination other than at the request of the Protected Person: You must have the Protected Person personally served with these forms.** You must also serve the Respondent. Service on the Respondent may be by mail.
- d. **If you are the Protected Person:** The Respondent and Petitioner employer may be served with these forms by mail.
- e. The person who serves the forms must fill out either form WV-200, *Proof of Personal Service*, or form WV-250, *Proof of Service of Response by Mail* (or both). Have the person who served sign the original. Take the signed original proof-of-service form back to the court clerk for filing or bring it with you to the hearing. For help with personal service, see form WV-200-INFO, *What Is "Proof of Personal Service"?*.

Date: _____ Clerk, by _____, Deputy

To the Other Party:

If you wish to make a written response to this request to modify or terminate the current workplace violence restraining order, you may fill out form WV-620, *Response to Request to Modify/Terminate Workplace Violence Restraining Order*. File the original with the court before the hearing and have someone age 18 or older—**not you**— mail a copy of it to the other party at the address in ① at least _____ days before the hearing. Also file form WV-250, *Proof of Service of Response by Mail*, with the court before the hearing.

Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

I certify that this *Notice of Hearing on Request to Modify/Terminate Workplace Violence Restraining Order* is a true and correct copy of the original on file in the court.

Clerk's Certificate
[seal]

Date: _____

Clerk, by _____, Deputy

Response to Request to ☐ Modify ☐ Terminate Workplace Violence Restraining Order

Use this form to respond to the *Request to Modify or Terminate Workplace Violence Restraining Order* (form WV-600).

- Fill out this form and then take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the other party at the address in (2) below. Use form WV-250, *Proof of Service of Response by Mail*.

Clerk stamps date here when form is filed.

DRAFT
Not Approved by the
Judicial Council

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-610 item (3) here.

Hearing Date → Date: _____
Time: _____

Dept.: _____ Room: _____

1 Party Filing Response

a. Your Full Name: _____

b. ☐ Petitioner ☐ Respondent

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: _____

2 Other Party

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

3 Response

a. ☐ I agree to the ☐ Modification ☐ Termination of the order.

b. ☐ I do not agree to the ☐ Modification ☐ Termination
 (Specify why you disagree in item (4) on page 2.)

c. ☐ I agree to the following orders (specify below or in item (4) on page 2):



Order on Request to☐ **Modify** ☐ **Terminate****Workplace Violence Restraining Order**

Clerk stamps date here when form is filed.

DRAFT
Not Approved by the
Judicial Council

Prevailing party completes items ① and ②.

① Party Seeking Modification/Termination

a. Full Name: _____

Lawyer (if any for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If this party has a lawyer, give the lawyer's information.
If the party does not have a lawyer and wants to keep home
address private, give a different mailing address instead.
Telephone, fax, or e-mail are not required.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**② Other Party**

Full Name: _____

Address: _____

City: _____ State: _____ Zip: _____

E-Mail Address: _____

③ HearingThere was a hearing on (date): _____ at time: _____ ☐ a.m. ☐ p.m. Dept.: _____ Room: _____

(Name of judicial officer): _____ made the orders at the hearing.

These people were at the hearing:

a. ☐ The party seeking ☐ modification ☐ terminationb. ☐ The party opposing ☐ modification ☐ terminationc. ☐ The lawyer for the party seeking ☐ modification ☐ termination (name): _____d. ☐ The lawyer for the party opposing ☐ modification ☐ termination (name): _____**④ Order**☐ The request to ☐ modify ☐ terminate the attached☐ Workplace Violence Restraining Order After Hearing (form WV-130)☐ Order Renewing Workplace Violence Restraining Order (form WV-730)

originally issued on (date): _____ is:

a. ☐ **DENIED.** The order and expiration date remain the same.**This is a Court Order.**

b. ☐ **DENIED** without prejudice because the other party was not served on time.

c. ☐ **GRANTED**.

(1) ☐ The order is **TERMINATED** as of the date this Order is signed on page 3.

(2) ☐ The order is **MODIFIED** as stated: ☐ Below ☐ On Attachment 4c(2)

(Specify, referring to item numbers in the original order):

(3) The order now **EXPIRES** on *(date)*: _____ at *(time)*: _____

5 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 prevailing party 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 5.

This is a Court Order.



To the Prevailing Party:**6 Service of Order**

If service is required, someone age 18 or older—**not you**—must serve a copy of this order on the other party. If a party is represented by a lawyer, you must serve the lawyer instead of the party.

- ☐ The other party attended the hearing. **No further service is required.**
- ☐ **Order Granted**—The other party did not attend the hearing. **Service is required.** This Order:
- ☐ must be personally served on the other party within _____ days of the date of this Order.
 - ☐ may be served by mail on the other party within 5 days of the date of this Order.
- ☐ **Order Denied**—The other party did not attend the hearing. **Service by Mail:** The other party may be served with this Order by mail.

Date: _____

*Judicial Officer**(Clerk will fill out this part.)***—Clerk's Certificate—***Clerk's Certificate*
[seal]

I certify that this *Order on Request to Modify/Terminate Workplace Violence 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.

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
1.	Orange County Bar Association, By Michael Baroni, President	A	In response to the specific question: Yes, these forms accomplish the purpose for which they are intended.	The committee acknowledges the commuter's agreement with the proposal.
2.	Standing Committee on the Delivery of Legal Services, State Bar of California by Sharon Djemal	A	Agree with proposal in its entirety Specific Comments • Does this proposal appropriately address the stated purpose? Yes. Additional Comments The proposal provides forms to use where there were no forms previously to modify or terminate an order in the context of civil harassment, elder and dependent adult abuse, private post-secondary school violence, and workplace violence. The forms are beneficial because it makes the process for modifying or terminating protective orders easier/smooth and makes the court system more accessible to those without an attorney. The forms also will help pro bono attorneys since they will be able to enter the information into forms rather than draft pleadings for these types of cases. By increasing efficiencies for pro bono attorneys, more indigent individuals will be helped.	The committee acknowledges the commuter's agreement with the proposal, and appreciates the recognition of how much standard forms improve access to justice.
3.	Superior Court of Los Angeles County	A	No comment submitted	The committee acknowledges the commuter's agreement with the proposal.

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
4.	Superior Court of Orange County By Civil and Probate Operations Managers	N	The proposed order form granting or denying the request (CH-630) creates confusion and additional work that is not necessary. The proposed change would require law enforcement to review form CH-630 to see what changes were made to the original order. This would require reviewing two forms. We suggest that there not be an order form, and any modifications or terminations be made within the minute order and any changes be made on an amended CH-130 form.	The committee considered this comment but concluded, based on information received from courts of committee members, that the separate order form for modifying or terminating an original order after hearing was appropriate. The committee will continue to seek input from law enforcement on this question.
5.	Superior Court of Riverside County By Susan D. Ryan	AM	<p>Position on Proposal: Agree with the proposal with the following input and proposed changes:</p> <p>Form EA 620 Response to Request... - Reference to CH-600 should be changed to EA-600. Reference to CH-250 should be changed to EA-250</p> <p>Form WV 620 Response to Request... - Reference to SV-600 should be changed to WV-600. Reference to SV-250 should be changed to WV-250</p> <p>Developing EA/CH/WV/SV 600 INFO sheets would be helpful to inform the public on the process and how to use the forms.</p> <p>Does the proposal appropriately address the stated purpose? Yes.</p>	<p>The committee acknowledges the commuter's general agreement with the proposal and addresses the concerns stated below.</p> <p>These corrections have been made.</p> <p>This correction has been made.</p> <p>This proposal is outside the scope of the current proposal, but will be considered by the committee as time and resources allow.</p> <p>The committee appreciates the responses to the specific questions included in the Invitation to Comment.</p>

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
			<p>Would the proposal provide cost savings? No. There may be a cost increase as a higher number termination and modification hearings are requested because of the added accessibility that these forms provide.</p> <p>What would the implementation requirements be for courts? Updating desk procedures and integration into case management is required.</p>	<p>The committee acknowledges that the increased access provided by the forms may result in increased hearings.</p>
6.	Superior Court of San Diego By Mike Roddy	AM	<p>Q: Does the proposal appropriately address the stated purpose? Yes. Q: Would the proposal provide cost savings? If so, please quantify. No. Q: What would the implementation requirements be for courts? Updating training materials, forms packets, and notifying staff.</p> <p>General Comments:</p> <p>600 Forms: Our court proposes the signature section be modified to include a place for attorney's signature (See item 17 of current CH-100).</p> <p>620 Forms:</p>	<p>The committee acknowledges the commenter's agreement with the proposal, and appreciates the responses to the specific questions asked re costs and implementation requirements. The more specific comments are addressed below.</p> <p>The committee agrees and the form has been modified in light of this comment.</p>

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
			<p>Our court proposes the signature section be modified to use consistent language across harassment forms. Proposed form includes “Lawyer’s name, if you have one” should be changed to “Lawyer’s name (if any).” (See signature section of current CH-100).</p> <p>630 Forms: Item 3 Hearing: Our court proposes the section be modified to mirror item 5 of CH-130 or item 5 of DV-400. It seems unnecessary to restate whether the party and attorney were seeking modification or termination of the order.</p> <p>Item 7 Service of Order: Our court proposes the section be modified to indicate party responsible for service similar to item 13 of CH-130.</p> <p>Forms: •Item 1a of CH-600,610, and 630 lists “Full Name” while item 1a of CH-620 lists “Your</p>	<p>The forms have been modified in light of this comment, to be made consistent.</p> <p>The committee considered this proposal, but declines to adopt it, concluding that the item as circulated is appropriate. The proposal is to use “The person in (1)” and “The person in (2).” The committee prefers referring to modification and termination here. Note that with document assembly programs, one picks modification or termination just once, and all the applicable boxes get checked accordingly.</p> <p>The committee declines to adopt this proposal. The items are different in the different forms because an original civil harassment order after hearing is always sought by the party seeking protection and must be served on the restrained party, while the modification order may be sought by either side. If modification or termination is granted, the must be served by the prevailing party, whether that is the restrained party or the protected party.</p> <p>The committee agrees. “Your Full Name” will be used in the 600 petitions, the 610 notices, and the</p>

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
			Full Name.” Our court proposes that Item 1 have the same format for 600, 610, 620, and 630 (e.g. 1a-d).	620 responses. The 630 orders do not use “Your.”
7.	Superior Court of Ventura County By Julie Camacho	A	Currently this initiating party/protected party is permitted to file a Request for Dismissal of their action at any time in the proceedings, both prior to and after the hearing on the request for a restraining order and after the Order After Hearing has been issued. Is it the intent that the new forms to request termination of a restraining order will replace the party's ability to file a Request for Dismissal in these proceedings? I agree with the proposed changes but seek clarification on this issue.	The committee acknowledges the commuter’s agreement with the proposal. The committee believes that the new form terminating a protective order should always be used for that purpose. A Request for Dismissal should be accompanied by a 630 order of termination.
8.	Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee (CEAC) Joint Rules Subcommittee .	AM	<p>The new forms will result in retraining of court staff. However, this operational impact should be minimal.</p> <p>Suggested Modifications:</p> <ul style="list-style-type: none"> Forms CH-600 (page 3) and EA-600 (page 3) – The Joint Rules Subcommittee (JRS) recommends the following language be added to the end “Notice to the Restrained Person - This requirement of personal service of the protected person is not a justification for the restrained person to violate the terms of the civil harassment restraining order.” Forms EA-610, EA-620, and EA-630 – The JRS recommends that service of Forms EA- 	<p>The committee acknowledges the commuter’s agreement with the proposal, and addresses the specific points raised below.</p> <p>The forms have been further modified to include the proposed language. It will be added to the SV and WV 600 forms also.</p> <p>The committee declines to make this modification to the form, because service on a nonparty</p>

ITC SPR17-22

Title of proposal (Protective Orders: Modification and Termination)

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

	Commentator	Position	Comment	DRAFT Committee Response
			<p>610, EA-620, EA-630 should also be required to conservators of the protected elder person and conservators of the protected elder person's estate in the event they are not the party who requested the original restraining order.</p> <ul style="list-style-type: none">Form EA-620 – There is a typo on page 2 in the footer that erroneously identifies the form as Form CH-620, instead of as Form EA-620.Forms WV-600, WV-610, WV-620, WV-630 – The JRS recommends that service of Forms WV-600, WV-610, WV-620, and WV-630 should also be required to the employer.Other – The JRS recommends the removal of the phrase: “the other person agrees to this modification/termination request.” on all forms where it appears. There is concern that this phrase will create confusion and lead to the belief by the restrained person that he/she can contact the protected person to achieve such an agreement. The phrase is unnecessary in that the protected person will be served a response form. Further, if attorneys reach such a stipulation they will put it in writing for the court.	<p>conservator is does not appear to be statutorily required. (See Welf. & Inst. Code, § 15657.03). A form cannot require an act that is not otherwise required by law. This comment should perhaps be directed to the Legislature.</p> <p>The form has been corrected.</p> <p>The committee agrees with this comment. The employer is the actual petitioner and must be served when service is required. The same applies to the SV forms also. The petitioning school must be served</p> <p>Upon further consideration, the committee agrees and has removed this item from the forms.</p>