



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on September 14–15, 2017

Title

Civil Protective Orders: Response and
Firearms Relinquishment Exemption

Agenda Item Type

Action Required

Effective Date

January 1, 2018

Rules, Forms, Standards, or Statutes Affected

Revise forms CH-120, CH-130, EA-120,
EA-130, GV-120, SV-120, SV-130, WV-120,
and WV-130

Date of Report

August 25, 2017

Recommended by

Civil and Small Claims Advisory Committee
Hon. Raymond M. Cadei, Chair

Contact

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Executive Summary

The Civil and Small Claims Advisory Committee recommends revising civil restraining order forms to allow the court the discretion to make exceptions to the statutory firearms relinquishment order if a firearm is required by the respondent's employment. The committee also proposes revisions to the response forms to requests for restraining orders to provide space on the forms so that if a responding party disagrees with an order requested by the petitioner, he or she may provide an explanation. The existing forms may be misleading in proceedings governed by statutes that specifically provide that the responding party may file a response with an explanation. This explanatory information would also be helpful to the judicial officer.

Recommendation

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

1. Revise the following forms to include items in which the responding party may make, or the court may act on, a request under Code of Civil Procedure section 527.9(f) to grant an exception to the statutory firearm relinquishment order:
 - *Response to Request for Civil Harassment Restraining Orders* (form CH-120, , item 6;
 - *Civil Harassment Restraining Order After Hearing* (form CH-130, item 8);
 - *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, (form EA-120, item 7);
 - *Elder or Dependent Adult Abuse Restraining Order After Hearing*, (form EA-130, item 9);
 - *Response to Petition for Private Postsecondary School Violence Restraining Orders*, (form SV-120, item 7;
 - *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130, item 9;
 - *Response to Petition for Workplace Violence Restraining Orders*, (form WV-120, item 7); and
 - *Workplace Violence Restraining Order After Hearing* (form WV-130, item 9); and

2. Revise all the civil restraining order response forms, listed below, to include additional space so that if a responding party disagrees with the request, he or she may provide an explanation why directly on the form:
 - *Response to Request for Civil Harassment Restraining Orders* (form CH-120, item 1;
 - *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120, item 12);
 - *Response to Petition for Firearms Restraining Order* (form GV-120, item 3);
 - , *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120 item 11); and
 - , *Response to Petition for Workplace Violence Restraining Orders* (form WV-120 item 11).

The revised forms are attached at pages 6–47.

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 Penal Code similarly mandates Judicial Council forms in gun violence restraining 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 workplace violence and private postsecondary school violence response forms in this proposal were last revised in 2014. The gun violence prevention response form was adopted in 2016 and has not since been revised. All the other forms were most recently revised effective January 1, 2017.

Rationale for Recommendation

Firearms relinquishment exemption

The Legislature has mandated that the Judicial Council prescribe the forms and rules relating to matters covered by the statutes that govern proceedings concerning restraining orders.¹ Code of Civil Procedure section 527.9(f) provides that “[t]he court may, as part of the [firearms] relinquishment order, grant an exemption from the relinquishment requirements of this section for a particular firearm if the respondent can show that [the] firearm is necessary as a condition of continued employment and that the current employer is unable to reassign the respondent to another position where a firearm is unnecessary.” The statute covers civil harassment (CH), elder or dependent adult abuse (EA), private postsecondary school violence (SV), and workplace violence (WV) proceedings. (See Code Civ. Proc., § 527.9(a).) The revised response forms in each of these types of proceedings will allow the responding party to request an exemption and explain why.

The statute includes specific findings that are to be provided in the order after hearing to support this exemption. (See Code Civ. Proc. § 527.9(f).) The domestic violence restraining order forms include for firearms relinquishment an item that expressly addresses the exemption and contains the statutory language. The recommended revisions to the civil protective order after hearing forms for CH, EA, SV, and WV proceedings do the same.²

Response forms

Currently, the forms to respond to a request for a protective order in all five case types (to prevent civil harassment, elder and dependent adult abuse, private postsecondary school violence, workplace violence, and gun violence) provide for three check box options: (a) agree; (b) do not agree; or (c) agree to certain specified orders that have been requested in each proceeding (see, e.g., form CH-120 at items 3, 4, and 7). No space is provided on any of the current forms for the responding party to include an explanation if he or she does not agree with the request. These forms may be misleading in proceedings governed by statutes that specifically provide that the responding party may file a response with an explanation. For example, in response to a petition for a civil harassment restraining order, a respondent “may file a response that *explains, excuses, justifies*, or denies the alleged [harassment].”³

¹ See Code Civ. Proc., §§ 527.6(w)(1) (civil harassment), 527.85(v)(1) (private postsecondary school violence), 527.8(v)(1) (workplace violence); Pen. Code, § 18105 (gun violence); and Welf. & Inst. Code, § 15657.03(x-y) (elder abuse).

² The revisions are highlighted at item 6b on response form CH-120 and item 8d on order form CH-130; at item 7b on response forms EA-120, SV-120, and WV-120; and at item 9d on order forms EA-130, SV-130, and WV-130.

³ Code Civ. Proc., § 527.6(h)(italics added); Code Civ. Proc., § 527.85(i) (identical statutory language for SV cases); Code Civ. Proc., § 527.8(i) (identical statutory language for WV cases); Welf. & Inst. Code, § 15657.03(g) (similar language for EA cases: may file a response that “explains or denies the alleged abuse”); Pen. Code, § 18100 et seq. (no specific mention of response in GV statutes).

The revised response forms each include a new item, “Reasons I Do Not Agree to the Orders Requested,” in which a party may provide an explanation or may indicate that an additional page is attached with such information. Cross-references to that item appear at each item identifying a specifically requested order.⁴

Comments, Alternatives Considered, and Policy Implications

Comments received

The revised forms were circulated for comment during the spring 2017 comment period. Comments were received from four courts (Superior Courts of Los Angeles, Riverside, San Diego, and Ventura 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 of the revisions relating to firearms.⁵ Two of the courts asked that additional space be provided on the order forms for courts to more completely identify any firearms that are being exempted from relinquishment. That modification has been made, and some other minor points were addressed to assure internal consistency in the forms.

The State Bar committee asked for further modification of the firearm exemption items to address the further requirements that may come into play should a peace officer be the responding party and desire a further exemption to allow for carrying a gun off duty. The committee consulted with the Family and Juvenile Law Advisory Committee staff to determine how this point is handled in forms for domestic violence cases, in which the same statutory exemption applies. The committee was informed that the situation rarely arises, and because the statutory requirements and findings are not easily expressed in plain language, the Domestic Violence forms just cite to the statute without replicating any of its language. The committee here is providing the basic information about the exemption on the form, concluding, as a plain-language principle, that users should not have to read a statute to understand how to fill out the form.

Alternatives

The committee considered not taking any action but decided that to revise the forms as proposed would be better.

⁴ See, for example, new item 11 on form CH-120 and cross-references at revised items 3, 4, 7, and 8; new item 12 on form EA-120 and cross-references at revised items 3, 4, 5, 8, and 9; form GV-120, revised item 3; and new item 11 on forms SV-120 and WV-120 and cross-references at revised items 4, 5, and 8. The numbering of other items on the forms has been changed as needed to accommodate the new items.

⁵ A chart containing all the comments received and the committee’s responses thereto is attached at pages 47–51. No modifications were requested relating to the additional space provided on the forms for further explanations or justifications by the responding parties.

Implementation Requirements, Costs, and Operational Impacts

Self-help centers and court staff may need training to recognize and understand the revised items. The intent of the revisions is that, once initial training is complete, the revised forms will assist parties in completing the forms correctly and will benefit the courts. If the protective order forms are used as part of electronic case management systems, those systems may require some modifications to use the forms.

Attachments and Links

1. Judicial Council forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130, at pages 6–47
2. Chart of comments, at pages 48–52

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

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

① Person Seeking Protection

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Person From Whom Protection Is Sought

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

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

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

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

**Hearing
Date**

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

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

③ ☐ Personal Conduct Orders

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

④ ☐ Stay-Away Orders

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

⑤ ☐ Additional Protected Persons

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



6 Guns or Other Firearms and Ammunition

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

- a. ☐ I do not own or control any guns or firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

7 Possession and Protection of Animals

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

8 Other Orders

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

9 Denial

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



10 ☐ **Justification or Excuse**

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

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

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

Explain your answers to each order requested that you do not agree with.

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



12 ☐ **No Fee for Filing**

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

13 ☐ **Lawyer's Fees and Costs**

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

The amounts requested are:

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

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

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

Date: _____

Lawyer's name (if any)

► _____
Lawyer's signature

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

Date: _____

Type or print your name

► _____
Sign your name

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

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

① Protected Person

a. Your Full Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

② Restrained Person

Full Name: _____

Description

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

③ ☐ Additional Protected Persons

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

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

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

④ Expiration Date

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

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

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

This is a Court Order.



5 Hearing

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

To the Person in ②:

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

6 ☐ Personal Conduct Orders

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

7 ☐ Stay-Away Orders

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

This is a Court Order.

8 No Guns or Other Firearms and Ammunition

- a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**
- b. If you have not already done so, you must:
- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*
- c. ☐ The court has received information that you own or possess a firearm.
- d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **(2)** is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*: _____

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

9 ☐ Lawyer's Fees and Costs

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

- ☐ lawyer's fees ☐ costs:

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

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

10 ☐ Possession and Protection of Animals

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

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

11 ☐ Other Orders *(specify)*:

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

This is a Court Order.



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

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

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

Name of Law Enforcement Agency

Address (City, State, Zip)

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

⑬ Service of Order on Restrained Person

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

⑭ ☐ No Fee to Serve (Notify) Restrained Person

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

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

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

Date: _____

Judicial Officer

This is a Court Order.



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

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

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

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

Start Date and End Date of Orders

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

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

This is a Court Order.

Conflicting Orders—Priorities of Enforcement

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

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

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

**DRAFT
NOT APPROVED BY THE
JUDICIAL COUNCIL**

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

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

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

① Elder or Dependent Adult Seeking Protection

Name: _____

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

② Person From Whom Protection Is Sought

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

**Hearing
Date**

→ Date: _____ Time: _____

Dept.: _____ Room: _____

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

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑫ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑫ on page 4):

④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑫ on page 4.)
- c. ☐ I agree to the following orders (specify below or in item ⑫ on page 4):



5 ☐ **Move-Out Orders**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. *(Specify why you disagree in item 12 on page 4.)*
- c. ☐ I agree to the following orders *(specify below or in item 12 on page 4):*
- _____
- _____

6 ☐ **Additional Protected Persons**

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

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

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

- a. ☐ I do not own or control any guns or firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.
- _____
- _____
- _____
- _____

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.

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

8 ☐ **Possession and Protection of Animals**

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. *(Specify why you disagree in item 12 on page 4.)*
- c. ☐ I agree to the following orders *(specify below or in item 12 on page 4):*
- _____
- _____
- _____
- _____



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

Explain your answers to each order requested that you do not agree with.

- ☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 12—Reasons I Disagree" as a title. You may use form MC-025, Attachment.*

13 ☐ **Lawyer's Fees and Costs**

- a. ☐ I ask the court to order payment of my ☐ lawyer's fees ☐ court costs. The amounts requested are:

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


- ☐ *Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.*

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

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

Date: _____


Lawyer's name (if any)

 _____
Lawyer's signature

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

Date: _____

Type or print your name

 _____
Sign your name

Elder or Dependent Adult Abuse Restraining Order After Hearing

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

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

Court fills in case number when form is filed.

Case Number:

① Elder or Dependent Adult Seeking Protection

a. Full Name: _____

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

Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

② Restrained Person

Full Name: _____

Description

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

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

Home Address (*if known*): _____

City: _____ State: _____ Zip: _____

Relationship to Protected Person: _____

③ ☐ Additional Protected Persons

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

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

☐ Yes ☐ No

☐ Yes ☐ No

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

④ Expiration Date

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

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

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

This is a Court Order.



5 Hearing

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

To the Person in ②:

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

6 ☐ Personal Conduct Orders

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

7 ☐ Stay-Away Orders

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

This is a Court Order.

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

8 ☐ **Move-Out Order**

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

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

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

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

a. **You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.**

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

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use form EA-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)

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

d. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in ② is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): _____

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

10 **Financial Abuse**

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

11 ☐ **Possession and Protection of Animals**

a. ☐ The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.

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

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

This is a Court Order.



15 Service of Order on Restrained Person

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

16 No Fee to Serve (Notify) Restrained Person

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

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

Date: _____



Judicial Officer

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

If the court grants the orders in item ⑨ on page 3 (unless item 9d is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑨. The court will require you to prove that you did so.

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

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

Start Date and End Date of Orders

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

This is a Court Order.

Arrest Required if Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities of Enforcement

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

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

Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Response to Petition for Firearms Restraining Order

Clerk stamps date here when form is filed.

DRAFT
Not approved by the
Judicial Council

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

- Read *How Can I Respond to a Petition for Firearms Restraining Order?* (form GV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—mail a copy of this form and any attached pages to the Petitioner or to his or her lawyer. (Use form GV-250, Proof of Service by Mail.)

Fill in court name and street address:

Superior Court of California, County of

See Petition for case number and fill in:

Case Number:

1 Petitioner

Name of person seeking order (see form GV-100, item ①):

2 Respondent

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-mail Address: _____

3 Firearms Restraining Order

☐ I do not agree to the order requested in the Petition because:

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

Be prepared to present your opposition at the hearing. Write your hearing date, time, and place from form GV-109 item ③ here:

Hearing Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

If a Temporary Firearms Restraining Order was issued, you must obey it until the hearing. At the hearing, the court may make an order against you for one year.

4 Denial

I did not do anything described in item ⑥ of form GV-100.



5 ☐ **Justification or Excuse**

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

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 5–Justification or Excuse" as a title. You may use form MC-025, Attachment.

6 **Surrender of Firearms and Ammunition**

If a *Temporary Firearms Restraining Order* (form GV-110) was issued, you cannot own or possess any guns, other firearms, or ammunition. (See item ⑤ of form GV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns, other firearms, and ammunition in your immediate possession or control within 24 hours of being served with form GV-110. You must file a receipt with the court. You may use form GV-800, *Proof of Firearms Turned In, Sold, or Stored* for the receipt.

- a. ☐ I do not own or control any guns, other firearms, or ammunition.
- b. ☐ I have turned in my guns, other firearms, and ammunition to a law enforcement officer or agency, or sold them to or stored them with a licensed gun dealer. A copy of the receipt
☐ is attached. ☐ has already been filed with the court.

7 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

Response to Petition for Private Postsecondary School Violence Restraining Orders

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:

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

- Read *How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?* (form SV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the petitioner or the petitioner's lawyer by mail with a copy of this form and any attached pages. (Use form SV-250, Proof of Service of Response by Mail.)

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Room: _____

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

4 ☐ Personal Conduct Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested.

(Specify why you disagree in item ⑪ on page 3.)

c. ☐ I agree to the following orders (specify below or in item ⑪ on page 3):

5 ☐ Stay-Away Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)

c. ☐ I agree to the following orders (specify below or in item ⑪ on page 3):



6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item (4) of the Petition may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item (4) of the Petition may be protected by the order requested.

7 ☐ **Firearms Prohibition and Relinquishment**

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

- a. ☐ I do not own or control any guns or other firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt
- ☐ is attached. ☐ has already been filed with the court.

8 ☐ **Other Orders**

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

9 ☐ **Denial**

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



- 12 ☐ No Fee for Filing
- a. ☐ I ask the court to waive the filing fee because the petitioner claims in form SV-100 item 14 to be entitled to free filing.

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

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

Item	Amount	Item	Amount
	\$		\$
	\$		\$
	\$		\$

☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Costs" for a title. You may use form MC-025, Attachment.

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

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

Date:

Lawyer's name (if any)

Lawyer's signature

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

Date:

Type or print your name

Sign your name

Private Postsecondary School Violence Restraining Order After Hearing

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

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Student (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description

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

4 ☐ Additional Protected Persons

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

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

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

5 Expiration Date

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

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

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

This is a Court Order.



6 Hearing

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

To the Respondent:

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

7 Personal Conduct Orders

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

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

This is a Court Order.

8 Stay-Away Orders

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

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

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

9 No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

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

- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. (*You may use form SV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)

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

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

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

10 ☐ Costs

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

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

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

This is a Court Order.

11 ☐ **Other Orders** (*specify*):

_____☐ Additional orders are attached at the end of this Order on Attachment 11.**To the Person in 1:****12** **Mandatory Entry of Order Into CARPOS Through CLETS**

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

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

Name of Law Enforcement AgencyAddress (City, State, Zip)

_____☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.**13** **Service of Order on Respondent**

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

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

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

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

Date: _____

_____
*Judicial Officer***This is a Court Order.**

Warning and Notice to the Respondent:

You Cannot Have Guns or Firearms

Unless item 9d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑨. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

This is a Court Order.



Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

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

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form WV-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the petitioner or the petitioner's lawyer by mail with a copy of this form and any attached pages. (Use form WV-250, Proof of Service of Response by Mail.)

**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 Petitioner (Employer)

Name: _____

2 Employee Seeking Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

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

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

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

4 ☐ Personal Conduct Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested.

(Specify why you disagree in item (11) on page 3.)

c. ☐ I agree to the following orders (specify below or in item (11) on page 3):

5 ☐ Stay-Away Orders

a. ☐ I agree to the orders requested.

b. ☐ I do not agree to the orders requested. (Specify why you disagree in item (11) on page 3.)

c. ☐ I agree to the following orders (specify below or in item (11) on page 3):

6 ☐ **Additional Protected Persons**

- a. ☐ I agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item **(4)** of the Petition may be protected by the order requested.

7 ☐ **Firearms Prohibition and Relinquishment**

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

- a. ☐ I do not own or control any guns or other firearms.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. *(Explain):*
- ☐ *Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.*

- c. ☐ I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer. A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

8 ☐ **Other Orders**

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

9 ☐ **Denial**

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



12 ☐ No Fee for Filing

- a. ☐ I ask the court to waive the filing fee because the petitioner claims in form WV-100 item 14 to be entitled to free filing.
- b. ☐ I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, must be filed separately.)

13 ☐ Costs

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

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

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

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

Date: _____

Lawyer's name (if any)

► _____
Lawyer's signature

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

Date: _____

Type or print your name

► _____
Sign your name

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

Court fills in case number when form is filed.

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

a. Name: _____

Lawyer for Petitioner (if any, for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

2 Employee (Protected Person)

Full Name: _____

3 Respondent (Restrained Person)

Full Name: _____

Description

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

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

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Relationship to Employee: _____

4 ☐ Additional Protected Persons

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

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

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

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

This is a Court Order.

6 Hearing

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

To the Respondent:

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

7 Personal Conduct Orders

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

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

This is a Court Order.

8 Stay-Away Orders

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

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

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

9 No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

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

- (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
(2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns have been turned in, sold, or stored. (*You may use form WV-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)

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

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

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

10 ☐ Costs

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

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

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

This is a Court Order.

11 ☐ **Other Orders** (*specify*):

_____☐ Additional orders are attached at the end of this Order on Attachment 11.**To the Person in 1:****12** **Mandatory Entry of Order Into CARPOS Through CLETS**

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

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

Name of Law Enforcement AgencyAddress (City, State, Zip)

_____☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.**13** **Service of Order on Respondent**


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

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

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

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

Date: _____



*Judicial Officer***This is a Court Order.**

Warning and Notice to the Respondent:

You Cannot Have Guns or Firearms

Unless item 9d is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑨. The court will require you to prove that you did so.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

Start Date and End Date of Orders

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

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

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

This is a Court Order.



Clerk's Certificate
[seal]

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

SPR17-23

Protective Orders: Response and Firearms Relinquishment Exemption (revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130 CIV-100)

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

	Commentator	Position	Comment	DRAFT Committee Response
1.	Orange County Bar Association, Michael L. Baroni, President	A	The proposed changes adequately address the stated purpose.	The committee acknowledges the comment agreeing with the proposal.
2.	Standing Committee on the Delivery of Legal Services, State Bar of California, Sharon Djemal, Chair,	AM	<ul style="list-style-type: none">• <u>Does the proposal appropriately address the stated purpose?</u> <p>Yes with respect to the creation of additional space on protective order response forms. The proposed revisions to the response forms offer adequate space for the responding party who disagrees with a request to provide an explanation.</p> <p>No with respect to the revisions to the forms so that the court may exercise its discretion to grant an exception to the statutory firearm relinquishment order to a responding party who makes the request under CCP section 527.9(f). The proposed language regarding the court's discretion to make exceptions to the statutory firearms relinquishment order if a firearm is required by the respondent's employment cites only part of the statute. As a result, the language understates the high threshold needed to maintain a firearm for employment. It is not clear why all of the requirements of the statute are not included in the language. Moreover, it is unclear why the language used on these forms is not consistent with</p>	<p>The committee acknowledges the general agreement with the proposal.</p> <p>The committee does not believe that the rest of the statute need be replicated on the form. The language not included says:</p> <p>In any case involving a peace officer who as a condition of employment and whose personal safety depends on the ability to carry a firearm, a court may allow the peace officer to continue to carry a firearm, either on duty or off duty, if the court finds by a preponderance of the evidence that the officer does not pose a threat of harm. Prior to making this finding, the court shall require a mandatory psychological evaluation of the peace officer and may require the peace</p>

SPR17-23

Protective Orders: Response and Firearms Relinquishment Exemption (revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130 CIV-100)

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

	Commentator	Position	Comment	DRAFT Committee Response
			the language used in the family law domestic violence form since the statutes are identical (Code of Civil Procedure section 527.9(f) and Family Code section 6389(h)). The language used on the family law domestic violence form is easy to understand, and does not include select parts of the statute. As a result, it does not understate the high threshold needed to maintain a firearm for employment. SCDLS recommends that the language include all requirements in the statute to ensure that the respondent is fully aware of the high burden of proof and the process involved with obtaining the exemption, or, the language be made consistent with the language already used on the family law domestic violence form: “I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9 because (<i>specify</i>): _____”	<p>officer to enter into counseling or other remedial treatment program to deal with any propensity for domestic violence.</p> <p>The situation rarely arises and is not easily expressed in plain language. The Domestic Violence forms just cite to the statute without replicating any of its language.</p> <p>But the committee here prefers providing the basic information about the exemption on the form. The committee concludes that, as a plain-language principle, users should not have to read a statute to understand how to fill out the form.</p>
3.	Superior Court of Los Angeles County	A		The committee acknowledges the comment agreeing with the proposal.
4.	Superior Court of Riverside County, Susan D. Ryan, Chief Deputy of Legal Services	AM	Position on Proposal: Agree with the proposal with the following input and proposed changes:	The committee acknowledges the comment generally agreeing with the proposal. The additional space and underscoring suggested by the commenter has been added. This

SPR17-23

Protective Orders: Response and Firearms Relinquishment Exemption (revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130 CIV-100)

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

	Commentator	Position	Comment	DRAFT Committee Response
			<p>Orders After Hearing - No Guns or Other Firearms and Ammunition; CH-130 #8d, EA-130 #9d; WV-130 #9d, SV-130 #9d - Add underline after “(<i>specify make, model, and serial number of firearm</i>)” with sufficient room for the bench officer to include required info.</p> <p><u>Does the proposal appropriately address the stated purpose?</u></p> <p>Yes.</p> <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>Courts would need to provide brief training on the new additional language on the forms. The period for implementation is minimal.</p>	<p>revision required taking a line from the field to identify animals.</p> <p>The committee thanks the commenter for answering the specific questions from the Invitation to Comment.</p>
5.	Superior Court of County of San Diego, Mike Roddy, Executive Officer	AM	<p>Comments on specific questions:</p> <p>Q: Does the proposal appropriately address the stated purpose?</p> <p>Yes</p> <p>Q: Would the proposal provide cost</p>	<p>The committee acknowledges the comment generally agreeing with the proposal, and thanks the commenter from answering the specific questions from the Invitation to Comment.</p>

SPR17-23

Protective Orders: Response and Firearms Relinquishment Exemption (revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130 CIV-100)

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

	Commentator	Position	Comment	DRAFT Committee Response
			<p>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>120 Forms: Item 6b (CH) & 7b (EA/SV/WV): Our court suggests the lines provided for explaining why the firearm is necessary be moved above the checkbox “Check here if there is not enough space...”</p> <p>Item 1a & 2a: Our court proposes “Full Name” for consistency among harassment forms.</p>	<p>Previous feedback from courts and users has led to a plain-language standard that overflow checkboxes should precede the text field. The reason is that self-represented litigants may start to write without thinking about whether there is enough space. The user should look at the available space first and decide whether there is enough for their answer. If not, then s/he should do an attachment. Our information is that judges do not want half of the text on the form and half on an attachment.</p> <p>But there was a spacing error here. There should not have been any space below “Explain.” This has been fixed.</p> <p>The committee agreed with the comment and has used “Full Name” on all party items of all</p>

SPR17-23

Protective Orders: Response and Firearms Relinquishment Exemption (revise forms CH-120, CH-130, EA-120, EA-130, GV-120, SV-120, SV-130, WV-120, and WV-130 CIV-100)

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	Commentator	Position	Comment	DRAFT Committee Response
			130 Forms: Item 8d (CH) & 9d (EA/SV/WV): Our court suggests a line be added in the space provided to specify the firearm to make it more visible.	forms. This was a drafting error. The underscore has been added.
6.	Superior Court of Ventura County, Julie Camacho, Court Manager	AM	I agree with the changes as proposed but would note that this proposal does not address this issue when the temporary restraining order is issued by the court. It seems the exception to the statutory firearms relinquishment order should be addressed on the Temporary Restraining Order forms as well to provide a respondent an opportunity to address this issue at the time of the TRO.	The committee acknowledges the comment generally agreeing with the proposal. The committee sees the issue relating to the temporary restraining order (TRO); the respondent may be entitled to the exemption and should not have to surrender his or her guns for a TRO. But since the TRO is usually issued ex parte and often without notice, there is no procedural vehicle for the respondent to assert the exemption before a TRO is issued. All s/he can do is file a response asserting the exemption and try to get his or her gun back after the hearing when the exemption is memorialized on form 130.