



## JUDICIAL COUNCIL OF CALIFORNIA

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# R E P O R T T O T H E J U D I C I A L C O U N C I L

For business meeting on: September 21, 2018

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### Title

Protective Orders: Protecting Information of  
People Under 18 Years Old

### Agenda Item Type

Action Required

### Effective Date

January 1, 2019

### Date of Report

August 29, 2018

### Contact

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### Rules, Forms, Standards, or Statutes Affected

Adopt Cal. Rules of Court, rules 3.1161 and  
5.382; renumber rule 3.1152; adopt forms  
CH-160, CH-165, CH-170, CH-175, DV-160,  
DV-165, DV-170, and DV-175; revise forms  
CH-109 and DV-109

### Recommended by

Family and Juvenile Law Advisory  
Committee

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Civil and Small Claims Advisory Committee

Hon. Ann I. Jones, Chair

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## Executive Summary

The Family and Juvenile Law Advisory Committee and Civil and Small Claims Advisory Committee jointly recommend adopting rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revising two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.

## Recommendation

To implement AB 953, the Family and Juvenile Law Advisory Committee and the Civil and Small Claims Advisory Committee recommend that the Judicial Council adopt eight new forms (four forms in the Domestic Violence Prevention series and a parallel set of four forms in the Civil Harassment Prevention series), revise two existing forms, adopt two California Rules of Court, and renumber one rule.<sup>1</sup> The forms will eliminate the need for parties and the court to create specialized pleadings and orders, and the recommended rules will provide consistency in how these requests are processed within the judicial branch. Therefore, the committees recommend that the council take the following actions, effective January 1, 2019:

1. Adopt California Rules of Court, rules 3.1161 and 5.382;
2. Renumber rule 3.1152 to rule 3.1160;
3. Adopt *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160);
4. Adopt *Order on Request to Keep Minor's Information Confidential* (forms CH-165 and DV-165);
5. Adopt *Notice of Order Protecting Information of Minor* (forms CH-170 and DV-170);
6. Adopt *Cover Sheet for Confidential Information* (forms CH-175 and DV-175); and
7. Revise *Notice of Court Hearing* (forms CH-109 and DV-109).

The recommended and renumbered rules, and the new and revised forms are attached at pages 13–58.

## Relevant Previous Council Action

AB 953 added section 6301.5 to the Family Code and section 527.6(v) to the Code of Civil Procedure, effective January 1, 2018. Under the new law, a minor or minor's legal guardian can ask the court to make information relating to a minor confidential when issuing a domestic violence or civil harassment restraining order. Adopting these forms and rules is the first action the council will take in implementing this new law. The standard for granting these requests is essentially the same standard for the sealing of records under rule 2.550 of the California Rules of Court.

## Analysis/Rationale

Under the new law, a minor or minor's legal guardian can ask the court to make information relating to a minor confidential when issuing a domestic violence or civil harassment restraining

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<sup>1</sup> Because proposed rules 3.1161 and 5.382 are almost identical in both content and format, differing only in their references to specific statutory provisions and forms, they are, unless otherwise noted, referred to jointly throughout this report as the "recommended rules."

In addition to recommending these new rules, the Civil and Small Claims Advisory Committee is also recommending renumbering current rule 3.1152, regarding requests for civil protective orders generally, to rule 3.1160, so that both that rule and the new rules recommended here can be found together in a new article specifically for rules relating to civil protective orders. This will also require renumbering the article directly following this new article.

order. The standard for granting these requests is essentially the same standard for the sealing of records under rule 2.550 of the California Rules of Court. The advisory committees recognize that implementation of this bill is complicated; however, without adoption of Judicial Council rules and forms, it is unlikely that self-represented litigants will have access to relief under Family Code section 6301.5 and Code of Civil Procedure section 527.6(v).

### **Rules 3.1161 and 5.382**

The proposed rules would provide a consistent procedure for making requests for confidentiality, making orders on a request for confidentiality, and protecting information made confidential by the court.

#### ***Making a request for confidentiality***

Under the new law, the minor or the minor's legal guardian can request that the information relating to the minor be kept confidential. The law is silent as to how requests are to be made. The proposed rules would:

- Allow a request for confidentiality to be made at any time during the case;<sup>2</sup>
- Require the requester to complete *Request to Keep Minor's Information Confidential* (form CH-160 or form DV-160);<sup>3</sup>
- Authorize the court to rule on the request without any notice being given to the other party, or to both parties if the request is by a minor who is not party to the action;<sup>4</sup>
- Require the court to rule on both the request for confidentiality and the restraining order, if submitted at the same time, on the same day of submission or, if too late in the day, the next court day, consistent with Family Code section 6326 and Code of Civil Procedure section 527.6(e);<sup>5</sup>
- Authorize the court to hold a closed hearing if the request does not include sufficient or specific facts to meet the statutory requirements for a confidentiality order;<sup>6</sup> and
- Allow the requester, in the event that the request for confidentiality is denied, the option of withdrawing the request for restraining orders rather than have the information in public court files. (This option is available only if the requester is also the party requesting the restraining order.)<sup>7</sup>

#### ***Making orders on a request for confidentiality***

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<sup>2</sup> Proposed rules at (d)(1).

<sup>3</sup> Proposed rules at (d)(2).

<sup>4</sup> Proposed rules at (d)(3)(A).

<sup>5</sup> Proposed rules at (d)(3)(B).

<sup>6</sup> Proposed rules at (d)(4).

<sup>7</sup> Proposed rules at (d)(3)(C).

Under the new law, the court must expressly make four findings to grant a request for confidentiality, including a finding that the order to keep the information confidential is narrowly tailored.<sup>8</sup> In order to comply with the statute, the rules provide that if the court grants an order, it must specifically identify the information regarding the minor that is to be kept confidential.<sup>9</sup>

To provide consistency, the proposed rules would also require that when the court:

- Grants a request to keep the minor's name confidential, it publish only the initials of the minor or both parties or other initials, at the discretion of the court.<sup>10</sup>
- Grants a request to keep the minor's name confidential and the minor is not a party to the case, information relating to the minor that would likely reveal the minor's identity is made confidential.<sup>11</sup>
- Rules on a request, the order form is filed in a public file (in a redacted version if it contains information ruled confidential) and the request for confidentiality form is filed in a confidential file.<sup>12</sup>

### ***Protecting information made confidential by the court***

The new law is silent on the process for ensuring that information made confidential is protected, leaving two important questions unanswered: (1) who will be responsible for preparing redacted documents, and (2) how will documents containing confidential information be submitted to the court? The proposed rules address both these questions.

### ***Person responsible for preparing redacted documents***

The proposed rules will give the court the discretion to decide who should be ordered to prepare the redacted documents—the judicial officer, the requesting party, or that party's attorney—and how soon the redaction must be completed.<sup>13</sup> The proposed rules will also require the court to consider several factors in making its decision on who should redact, including the complexity of the redaction, whether the person requesting confidentiality is capable of preparing redacted materials, and whether the person requesting confidentiality has immediate access to help from a self-help center or other legal assistance.<sup>14</sup>

### ***Submitting documents containing confidential information to the court***

After a request for confidentiality is granted, the proposed rules will require parties to attach a *Cover Sheet for Confidential Information* (form CH-175 or DV-175), whenever documents are

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<sup>8</sup> Fam. Code, § 6301.5(b); Code Civ. Proc., § 527.6(v)(2).

<sup>9</sup> Recommended rules at (e)(2)(B)(ii).

<sup>10</sup> Recommended rules at (e)(2)(B)(1).

<sup>11</sup> Recommended rules at (e)(2)(B)(ii).

<sup>12</sup> Recommended rules at (e)(3)(A) when order is denied, and (f)(2) when order is granted.

<sup>13</sup> Recommended rules at (f)(1).

<sup>14</sup> Recommended rules at (g).

submitted for filing.<sup>15</sup> The rules also provide for the court to decide who will be responsible for redaction (using the same factors as for the initial filing). Ultimately, the unredacted document is to be filed in a confidential file and a redacted document, after it has been approved by the court, in a public file.<sup>16</sup> The proposed rules provide that the cover sheet form could also be used in any civil case involving the minor.<sup>17</sup>

## New Forms

### ***CH-160 and DV-160 (Request to Keep Minor's Information Confidential)***<sup>18</sup>

This form will be completed and submitted by the person asking that information relating to a minor be made confidential.<sup>19</sup> The information that can be made confidential by the court includes the minor's name, address, and any other information relating to the minor. There are items for the requesting party to specifically identify the information sought to be kept confidential and to explain the basis for the request. The findings that the court must make are provided at item (6), so the requesting party can focus on those factors when providing reasons for their request for confidentiality from the public. A separate item is included for the requesting party to specifically identify any of the information that it also wants to be kept confidential from the restrained person, and the reasons for that request.<sup>20</sup> There is an item that allows the person requesting the restraining order, in the event the request for confidentiality is denied, to withdraw the request for restraining order, rather than have the unredacted information filed and included in the public court file. No service instructions are included with the request because the court would rule on the request without notice to the other side.<sup>21</sup> The request will be made under penalty of perjury.

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<sup>15</sup> Recommended rules at (i)(1)(A). The order granting the request for confidentiality will provide notice of this requirement. (See forms CH-165 and DV-165 at item 12.)

<sup>16</sup> Recommended rules at (i)(1)(B).

<sup>17</sup> The new law provides that if a request for confidentiality is granted, information regarding the minor shall be maintained in a confidential case file in the underlying procedure "or any other civil procedure." (Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).)

<sup>18</sup> The two sets of forms are discussed together because they are also nearly identical, differing only when referring to the type of protective order being sought, to specific rules or forms, or to a few minor statutory provisions applicable only to domestic violence protective orders.

<sup>19</sup> The new law does not limit the requests for confidentiality only to minors for whom protection is being sought. A respondent may also file a request, either as a responding minor or on behalf of a child or ward whose information could be included in the petition or the response.

<sup>20</sup> The new law provides that information may be kept confidential from the restrained person only if the information is not necessary for the respondent to respond to or comply with the restraining order. (Code Civ. Proc. § 527.6(v)(B); Fam. Code § 6301.5(d)(2).)

<sup>21</sup> The proposed rules do, however, require that, if the request is granted, or if the request is denied but the party seeking confidentiality is continuing with the request for restraining order anyway, the request ultimately be served on the other party or both parties if the person making the request is not a party to the action following the issuance of an order on the request. See proposed rules at (e)(2)(D); instructions regarding that service are in the proposed order form.

***CH-165 and DV-165 (Order on Request to Keep Minor's Information Confidential)***

This is the order form that the court will complete after it has reviewed form CH-160 or DV-160. If the request for confidentiality is denied or if the court wants to hold a hearing before making its decision, only page 1 of this form needs to be issued.

If denied, the court will indicate whether the party will be moving forward with the request for restraining order, or whether the party has requested that the request for restraining order be withdrawn.

If the request for restraining order is not withdrawn, all documents will be accessible to the public. If the request for restraining order is withdrawn, the request for restraining order and accompanying documents will be returned, destroyed, or deleted from electronic files (item 3a).

If the request for confidentiality is granted, there are items for the court to make the statutorily required findings (item 5), specifically identify what information is to be kept confidential (item 8), state whether there is any information that even the restrained person is not to receive (item 9b),<sup>22</sup> and provide notice of the penalties for disclosing confidential information (items 7 and 9). There is also an item for determining who is to redact the confidential information and by what date (item 10), and instructions for service of the relevant forms, including an instruction that the *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) should be the first page of any document or set of documents that include confidential information (item 13c).

***CH-170 and DV-170 (Notice of Order Protecting Information of a Minor)***

This one-page form will be used when a confidentiality order has been issued, as a cover sheet for the requesting party to serve with the order and with the documents that contain information the court has ordered be protected (confidential). The cover sheet will provide notice to the party (often the restrained person) being served with unredacted documents that the documents contain confidential information subject to a confidentiality order. The form directs the recipient of the order to exactly what information is protected, advises the recipient to use a confidential cover sheet when filing any documents in the case that contain confidential information about the minor, and includes a notice that disclosure or misuse of that confidential information can subject a person to a fine of up to \$1,000 or possible sanctions.

***CH-175 and DV-175 (Cover Sheet for Confidential Information)***

This form will be used as a cover sheet for any documents subsequently filed in the protective order proceedings in which a confidentiality order has been made. The party submitting documents for filing will be responsible for attaching this cover sheet to any document that includes confidential information. This form alerts the clerk that the documents contain

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<sup>22</sup> The new law provides that the otherwise confidential information shall be provided to the respondent "to the extent necessary for the enforcement of the order and to allow the respondent to comply with and respond to the order." (Fam. Code, § 6301.5(d)(2); Code Civ. Proc., § 527.6(v)(4)(B).)

confidential information, so that the court can file the unredacted documents in the court's confidential files and make a determination as to who would be responsible for redaction of the documents; redacted versions could then be placed in the public files.<sup>23</sup> This cover sheet can also be used in "any other civil proceedings"<sup>24</sup> to alert the court in that proceeding that a confidentiality order exists protecting the minor's information.

## **Revised forms**

### ***CH-109 and DV-109 (Notice of Court Hearing)***

These forms are being revised to add new item 5 to provide notice when a request to keep a minor's information confidential has been granted.<sup>25</sup> Two new forms are being added to the list of forms to be served in item 6: *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) and *Order on Request to Keep Minor's Information Confidential* (form CH-165 or DV-165).

## **Policy implications**

The recommendation—which requires redaction of documents in procedures that are required to be completed very quickly by the courts—may have some potentially significant operational impacts on the trial courts, as noted by Superior Court of Los Angeles County in its comments. However, as discussed below, the committees have concluded that the recommended procedures are necessary to implement the statute, particularly the section that requires that any confidentiality order be both narrowly tailored and the least restrictive alternative available.

## **Comments**

The proposal was circulated for comment from April 27, 2018, to June 9, 2018. Comments were received from 10 entities.

- Seven commentators agreed with the proposal or would agree with the proposal if minor suggested modifications were incorporated. These are the California Department of Justice, Bureau of Criminal Identification; Family Violence Appellate Project (FVAP); and the Superior Courts of Orange (as a whole and separately via its Juvenile and Family Law Division), Riverside, San Bernardino, and San Diego Counties.
- The Family Law Section Executive Committee (FLEXCOM) of California Lawyers Association (former State Bar section) agreed with the proposal, if asking the court to maintain all filings as confidential is not feasible.

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<sup>23</sup> Recommended rules at (i).

<sup>24</sup> Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).

<sup>25</sup> This revision complies with the new law's provision that, if a confidentiality order is issued in civil harassment cases, the notice provided with a temporary restraining order must include notice of the confidentiality order. (Code Civ. Proc., § 527.6(q)(4).) The domestic violence restraining order form is being revised at the same time to ensure that the forms remain alike except in those instances where substantive statutory differences exist.

- The Joint Rules Subcommittee (JRS) of the Trial Court Presiding Judges Advisory Committee and Court Executive Advisory Committee agreed with the proposal if modified, including a proposal that a better procedure would be that a minor requesting confidentiality be given a separate case number and file and the entire file be kept confidential.
- The Superior Court of Los Angeles County did not agree with the proposal, asserting that the proposal goes beyond the statutory changes because, the commenter asserts, the new law does not require redactions.

A comment chart with the full text of all comments received and the committees' responses to each is attached beginning at page 59. The most substantive comments and the responses to the specific request included in the invitation to comment are summarized below.

***Redaction of confidential information at start of TRO proceeding***

The committees asked for comments on whether, in light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties).

The Family Violence Appellate Project, and the Superior Courts of Riverside and San Bernardino Counties stated that the rules give sufficient guidance and flexibility.

The Superior Court of San Diego County commented that the onus of redaction should be on parties and “requiring the court to review documents prior to filing may not be feasible given the short time frame in which restraining orders are scheduled and heard.” The committees agree that the short time frame is the crux of the problem: having a court rule on the confidentiality request and then ordering the petitioner—often a self-represented party—to redact the request for restraining order documents and return them to court, which has to rule on the request within a day, would be problematic. This is why the rules provide the court with options: to either redact the documents itself, to order the party or the party’s counsel to do so, or to order some other procedure that will facilitate prompt and accurate preparation of a redacted copy. (Recommended rules (f)(1).)

The JRS proposed the minor’s entire files be kept confidential, to avoid the potential problems of redaction, with everything provided to the restrained person except the minor’s name. This proposal was found to be overly broad: automatically keeping all the minor’s information confidential does not comply with the statutory requirement to order the least restrictive alternative for confidentiality. Moreover, if some of the information was to be kept confidential from the restrained person, some redaction would still be required. It also does not take into consideration cases in which the minor is the person requesting the restraining order. In those cases, the entire case would be kept confidential, which is not what is envisioned in the statute.



The Superior Court of Los Angeles County also found the procedure problematic, and asserted that the proposal goes beyond what the statute requires by providing for redaction of documents. The Los Angeles court suggested that the rule should instead require that the parties submit two different forms: (1) a request for restraining order with blanks in all the places where the purportedly confidential information would be, and (2) a second document that contains all the information that the party seeks to be kept confidential, along with a request that this second document be kept confidential.

The committees considered the concerns of the Los Angeles court, but concluded that the recommended rules were the best way to proceed. The problem with the Los Angeles court's alternative proposal is that it is likely to result in the same kind of review and action as required under the current rule. The court would have to review the second document and determine which parts, if any, should be kept confidential. In light of the statutory requirements that the confidentiality order must be narrowly tailored and use the least restrictive means, it may well be that a court will need to narrow the amount of information that will be kept confidential and not grant all requests in their entirety. In such cases, any information in the second document that the court found not appropriate for keeping out of the public record would then have to be added into the request for restraining order in the public file, before the court could rule on the request for restraining order.

The question then arises of who would make this addition to the public record. Would it be the party, or the clerk, or perhaps the judicial officer? How would the information be added to the information to be served on the restrained person? In addition, if the court found that some of the information had to be provided to the restrained person to allow him or her to properly respond to the request for restraining order, but that some should be kept confidential from the restrained person, then the second document would have to be redacted before it could be served on the restrained person. The committee concluded that the burdens in this process would be, if anything, greater than in the recommended rules.

### ***Redaction of information from subsequent filings***

The recommended rules require that, after a confidentiality order has been issued in a case, parties filing any documents with information made confidential by that order (e.g., a respondent filing an opposition), must file two copies (unredacted) with a cover sheet (mandatory Judicial Council form) on top noting that the confidentiality order exists. The court is then to either redact one of the documents for placement in the public file, or to order a redaction using the same process as for the initial redactions. (Recommended rules at (i)(1).) Several court commenters proposed that the party filing the document should be required to submit a redacted version to begin with, rather than have the court prepare one or order that one be prepared. FVAP, however, agreed with the rule as proposed, noting that determining whether a self-represented litigant—especially one on the opposing side from the party who sought the confidentiality—is capable of properly redacting a document should be done on a case-by-case basis. The committees agree with FVAP and recommend the rule as circulated.

### ***Service of the requests and order for confidentiality***

The committees asked for comments on whether the *Request to Make Minor's Information Confidential* (form CH/DV-160) should be served on all parties after the court rules on the request, and should service of the request be required whether the court grants or denies the request?

FVAP and the Superior Court of San Bernardino County responded that form CH/DV-160 should not be served. FVAP argued that the statute does not provide an adversarial process and requires that the restrained person only be provided information that is needed to respond to and comply with the restraining order.

Two commentators expressed concern over the restrained person receiving information that the court has made confidential from the restrained person, highlighting the need for proper redaction procedures.

One commentator argued that the statute does not appear to authorize the court to rule on the form CH/DV-160 without notice and recommended that the court would need to waive notice.

The committees agree that the statute does not contemplate an adversarial process. Therefore, service of form CH/DV-160 should not occur prior to the court's ruling. The committees are concerned, however, with courts receiving ex parte communication in a pending case. Therefore, the proposed rules now make clear that form CH/DV-160 would only be served on the restrained person if there is a pending action in the case and that any information made confidential from the restrained person must be redacted prior to service on the restrained person.

### ***Information needed for court findings***

The committees asked for comments on whether the questions posed on form CH/DV-160 (see new item 6), are sufficient to elicit the information necessary for the court to make the findings required by the statute.<sup>26</sup> Four commentators stated that the questions are sufficient and two commentators suggested adding questions to address some of the other findings, specifically, whether less restrictive means exist and whether the order is narrowly tailored.

The committees believe that the questions, as circulated, (now provided in form CH/DV-165, item 6) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing.<sup>27</sup>

The committees also recognize that the court will need information to support a request to keep information confidential from the restrained person that is different than the information needed

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<sup>26</sup> Fam. Code, § 6301.5(b) and Code Civ. Proc. § 527.6(v)(2).

<sup>27</sup> Form CH/DV-165, at item 3(b).

to make findings confidential from the public. To this end, the committees have added an additional question in item 8 of form CH/DV-160. The committees have also added options for the requestor of the restraining order to withdraw the request for restraining orders in the event that any portion of their request on form CH/DV-160 is denied, either as to the public (item 7) or to the restrained person (item 8d).

### ***INFO sheet for parties***

FVAP suggested that an information sheet be created to include, “1) an explanation of what the request to maintain confidentiality of minors’ information is; 2) the purpose of the request with references to legislative history—specifically to enable minors themselves to make confidential restraining order requests; 3) legal information regarding the implications of disclosing confidential information to persons who are not law enforcement or the respondent; and 4) an explanation of what “redact” means.”

The committees agree that a Judicial Council INFO form may be helpful but an INFO form would need to circulate for public comment, and so cannot be added to the proposal at this time. The committees will work on an information sheet in a future cycle. In the meantime, information regarding these forms and the process for these requests will be included in the self-help section of the [www.courts.ca.gov](http://www.courts.ca.gov) website by the forms proposed effective date on January 1, 2019.

### ***Notice to law enforcement***

The committees also asked for comments on whether the temporary restraining order forms should be amended to include notice to law enforcement when a confidentiality order has been issued. All commentators that had an opinion on this question answered “yes.”

The committees agree that this revision should be made and will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to provide notice to relevant law enforcement.

### ***Alternatives considered***

As discussed above, the committees considered all the alternatives raised by the commenters, including the proposal to have a separate form on which to file the information the minor or petitioner wants to keep confidential, but concluded that the originally proposed procedure, as modified here, was the best recommendation they could make.

In addition, the committees considered the following alternatives.

### ***Rules of Court***

The committees considered including a provision in the rules that would require the court to redact all documents for self-represented litigants. The committees did not adopt this provision because of the potential backlog for the court, which could cause a delay in documents being filed. Instead, the rule gives the court discretion in making this determination, but requires the

court to consider, among other things, a self-represented litigant's ability to draft redacted materials.

### ***Forms***

The committees considered not creating a separate notice form (DV-170) because all of the information included on the notice form is in the order form (DV-165). However, the committees recommend adopting form DV-170 because it succinctly provides key information that the person being served with the order for confidentiality (and possibly a temporary restraining order at the same time) will need—specifically, that (1) some information has been made confidential, and (2) disclosure or misuse of the confidential information may subject them to a fine of up to \$1,000 or possible sanctions.

The committees considered not creating a cover sheet for subsequent filings (form DV-175), but decided that having a cover sheet is necessary to alert the clerk that the document being submitted for filing includes confidential information.

### **Fiscal and Operational Impacts**

The committees note that the major costs in the new procedures for protecting the confidentiality of minor's information will be the additional filings and judicial officer review that are now required to implement this new law. The committees anticipate that this proposal for new rules and forms will result in costs incurred by courts to incorporate new forms into their paper or electronic process, train court staff, provide assistance to self-represented litigants in self-help centers, and ensure that filed documents are properly redacted. However, the committees concluded that such costs will be offset by the benefit of having a set of forms for parties to use for this new, legislatively mandated procedure.

### **Attachments and Links**

1. Cal. Rules of Court, rules 3.1160, 3.1161, and 5.382, at pages 13–26
2. Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175, at pages 27–58
3. Comments Chart, at page 59–120
4. Link A: Assembly Bill 953 (Stats. 2017, ch. 384),  
[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB953](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB953)

Rules 3.1161 and 5.382 of the California Rules of Court are adopted, and rule 3.1152 is renumbered, effective January 1, 2019, to read:

#### **Article 4. Protective Orders**

**Rule ~~3.1160~~ 3.1152. Requests for protective orders to prevent civil harassment, workplace violence, private postsecondary school violence, and elder or dependent adult abuse**

**(a)–(e) \* \* \***

**Rule 3.1161. Request to make minor’s information confidential in civil harassment protective order proceedings**

**(a) Application of rule**

This rule applies to requests and orders made under Code of Civil Procedure section 527.6(v) to keep a minor’s information confidential in a civil harassment protective order proceeding.

Wherever used in this rule, “legal guardian” means either parent if both parents have legal custody, or the parent or person having legal custody, or the guardian, of a minor.

**(b) Information that may be made confidential**

The information that may be made confidential includes:

- (1) The minor’s name;
- (2) The minor’s address;
- (3) The circumstances surrounding the protective order with respect to the minor. These include the allegations in the *Request for Civil Harassment Retraining Orders* (form CH-100) that involve conduct directed, in whole or in part, toward the minor; and
- (4) Any other information that the minor or legal guardian believes should be confidential.

**(c) Requests for confidentiality**

- (1) Person making request

A request for confidentiality may be made by a minor or legal guardian.

- (2) Number of minors

1  
2 A request for confidentiality by a legal guardian may be made for more than one  
3 minor. “Minor,” as used in this rule, refers to all minors for whom a request for  
4 confidentiality is made.  
5

6 **(d) Procedures for making request**  
7

8 **(1) Timing of requests**  
9

10 A request for confidentiality may be made at any time during the case.  
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12 **(2) Submission of request**  
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14 The person submitting a request must complete and file *Request to Keep Minor’s*  
15 *Information Confidential* (form CH-160), a confidential form.  
16

17 **(3) Ruling on request**  
18

19 **(A) Ruling on request without notice**  
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21 The court must determine whether to grant a request for confidentiality without  
22 requiring that any notice of the request be given to the other party, or both  
23 parties if the minor is not a party in the proceeding. No adversarial hearing is  
24 to be held.  
25

26 **(B) Request for confidentiality submitted at the same time as a request for**  
27 **restraining orders**  
28

29 If a request for confidentiality is submitted at the same time as a request for  
30 restraining orders, the court must consider both requests consistent with Code  
31 of Civil Procedure section 527.6(e) and must consider and rule on the request  
32 for confidentiality before the request for restraining order is filed.  
33

34 Documents submitted with the restraining order request must not be filed until  
35 after the court has ruled on the request for confidentiality and must be  
36 consistent with (C) below.  
37

38 **(C) Withdrawal of request for restraining order**  
39

40 If a request for confidentiality under (B) made by the person asking for the  
41 restraining order is denied and the requester seeks to withdraw the request for  
42 restraining orders, all of the following apply:  
43

1           (i)     The court must not file the request for restraining order and the  
2                   accompanying proposed order forms and must return the documents to  
3                   the requester personally, destroy the documents, or delete the  
4                   documents from any electronic files;

5  
6           (ii)    The order denying confidentiality must be filed and maintained in a  
7                   public file; and

8  
9           (iii)   The request for confidentiality must be filed and maintained in a  
10                  confidential file.

11  
12       (4)    *Need for additional facts*

13  
14           If the court finds that the request for confidentiality is insufficiently specific to meet  
15           the requirements under Code of Civil Procedure section 527.6(v)(2) for granting the  
16           request, the court may take testimony from the minor, or legal guardian, the person  
17           requesting a protective order, or other competent witness, in a closed hearing in order  
18           to determine if there are additional facts that would support granting the request.

19  
20    (e)    **Orders on request for confidentiality**

21  
22       (1)    *Rulings*

23  
24           The court may grant the entire request, deny the entire request, or partially grant the  
25           request for confidentiality.

26  
27       (2)    *Order granting request for confidentiality*

28  
29       (A)    *Applicability*

30  
31           An order made under Code of Civil Procedure section 527.6(v) applies in this  
32           case and in any other civil case to all registers of actions, indexes, court  
33           calendars, pleadings, discovery documents, and other documents filed or served  
34           in the action, and at hearings, trial, and other court proceedings that are open to  
35           the public.

36  
37       (B)    *Minor's name*

38  
39           If the court grants a request for confidentiality of the minor's name and:

40  
41           (i)    If the minor is a party to the action, the court must use the initials of the  
42                  minor or other initials, at the discretion of the court. In addition, the court

1                   must use only initials to identify both parties to the action if using the  
2                   other party's name would likely reveal the identity of the minor.

3  
4           (ii) If the minor is not a party to the action, the court must not include any  
5           information that would likely reveal the identity of the minor, including  
6           whether the minor lives with the person making the request for  
7           confidentiality.

8  
9           (C) Circumstances surrounding protective order (statements related to minor)

10  
11           If the court grants a request for confidentiality, the order must specifically  
12           identify the information about the minor in *Request for Civil Harassment*  
13           *Restraining Orders* (form CH-100) and any other applicable document that  
14           must be kept confidential. Information about the minor ordered confidential by  
15           the court must not be made available to the public.

16  
17           (D) Service

18  
19           The other party, or both parties if the person making the request for  
20           confidentiality is not a party to the action, must be served with a copy of the  
21           *Request to Keep Minor's Information Confidential* (form CH-160), *Order on*  
22           *Request to Keep Minor's Information Confidential* (form CH-165) and *Notice*  
23           *of Order Protecting Information of Minor* (form CH-170), redacted if required  
24           under (f)(4).

25  
26           (3) Order denying request for confidentiality

27  
28           (A) The order denying confidentiality must be filed and maintained in a public file.  
29           The request for confidentiality must be filed and maintained in a confidential  
30           file.

31  
32           (B) Notwithstanding denial of a request to keep the minor's address confidential,  
33           the address may be confidential under other statutory provisions.

34  
35           (C) Service

36  
37           (i) If a request for confidentiality is denied and the request for restraining  
38           order has been withdrawn, and if no other action is pending before the  
39           court in the case, then the *Request to Keep Minor's Information*  
40           *Confidential* (form CH-160) and *Order on Request to Keep Minor's*  
41           *Information Confidential* (form CH-165) must not be served on the  
42           other party, or both parties if the person making the request for  
43           confidentiality is not a party to the action.



- (ii) If a request for confidentiality is denied and the request for restraining order has not been withdrawn, or if an action between the same parties is pending before the court, then the *Request to Keep Minor's Information Confidential* (form CH-160) and *Order on Request to Keep Minor's Information Confidential* (form CH-165) must be served on the other party, or both parties if the person making the request for confidentiality is not a party to the action.

**(f) Procedures to protect confidential information when request is granted**

- (1) If a request for confidentiality is granted in whole or in part, the court, in its discretion, and taking into consideration the factors stated in (g), must ensure that the order granting confidentiality is maintained in the most effective manner by:
- (A) The judicial officer redacting all information to be kept confidential from all applicable documents;
- (B) Ordering the requesting party or the requesting party's attorney to prepare a redacted copy of all applicable documents and submit all redacted copies to the court for review and filing; or
- (C) Ordering any other procedure that facilitates the prompt and accurate preparation of a redacted copy of all applicable documents in compliance with the court's order granting confidentiality, provided the selected procedure is consistent with (g).
- (2) The redacted copy or copies must be filed and maintained in a public file, and the unredacted copy or copies must be filed and maintained in a confidential file.
- (3) Information that is made confidential from the public and the restrained person must be filed in a confidential file accessible only to the minor or minors who are subjects of the order of confidentiality, or the legal guardian who requested confidentiality, law enforcement for enforcement purposes only, and the court.
- (4) Any information that is made confidential from the restrained person must be redacted from the copy that will be served on the restrained person.

**(g) Factors in Selecting Redaction Procedures**

In determining the procedure to follow under (f), the court must consider the following factors:

- (1) Whether the requesting party is represented by an attorney;

(2) Whether the requesting party has immediate access to a self-help center or other legal assistance;

(3) Whether the requesting party is capable of preparing redacted materials without assistance;

(4) Whether the redactions to the applicable documents are simple or complex; and

(5) When applicable, whether the selected procedure will ensure that the orders on the request for restraining order and the request for confidentiality are issued and redacted in an expeditious and timely manner.

**(h) Sharing of information about a protected minor**

**(1) Sharing of information with the respondent**

Information about a protected minor must be shared with the respondent only as provided in Code of Civil Procedure section 527.6(v)(4)(B), limited to information necessary to allow the respondent to respond to the request for the protective order, and to comply with the confidentiality order and the protective order.

**(2) Sharing of information with law enforcement**

Information about a protected minor must be shared with law enforcement only as provided in Code of Civil Procedure section 527.6(v)(4)(A).

**(i) Protecting information in subsequent filings and other civil cases**

**(1) Filings made after an order granting confidentiality**

**(A) A party seeking to file a document or form after an order for confidentiality has been made must submit the Cover Sheet for Confidential Information (form CH-175) attached to the front of the document to be filed.**

**(B) Upon receipt of form CH-175 with attached documents, the court must:**

**(i) Order a procedure for redaction consistent with the procedures stated in (f);**

**(ii) File the unredacted document in the confidential file pending receipt of the redacted document if the redacted document is not prepared on the same court day; and**

(iii) File the redacted document in the public file after it has been reviewed and approved by the court for accuracy.

(2) Other civil case

(A) Information subject to an order of confidentiality issued under Code of Civil Procedure section 527.6(v) must be kept confidential in any other civil case.

(B) The minor or person making the request for confidentiality and any person who has been served with a notice of confidentiality must submit a copy of the order of confidentiality (form CH-165) in any other civil case involving the same parties.

**Advisory Committee Comment**

**Subdivisions (a)–(e).** The process described in this rule need not be used for minors if the request for confidentiality is merely to keep an address confidential and a petitioning minor has a mailing address which need not be kept private that can be listed on the forms. The restraining order forms do not require the address of a nonpetitioning minor.

This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to seal a record. The standard as reflected in Code of Civil Procedure section 527.6(v)(2) is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First Amendment right of access to documents used at trial or as a basis of adjudication.

**Rule 5.382. Request to make minor’s information confidential in domestic violence protective order proceedings**

**(a) Application of rule**

This rule applies to requests and orders made under Family Code section 6301.5 to keep a minor’s information confidential in a domestic violence protective order proceeding.

Wherever used in this rule, “legal guardian” means either parent if both parents have legal custody, or the parent or person having legal custody, or the guardian, of a minor.

**(b) Information that may be made confidential**

The information that may be made confidential includes:

(1) The minor’s name;

1       (2)   The minor's address;

2  
3       (3)   The circumstances surrounding the protective order with respect to the minor. These  
4       include the allegations in the *Request for Domestic Violence Retraining Order* (form  
5       DV-100) that involve conduct directed, in whole or in part, toward the minor; and

6  
7       (4)   Any other information that the minor or legal guardian believes should be  
8       confidential.

9  
10    **(c)   Requests for confidentiality**

11  
12       (1)   *Person making request*

13  
14       A request for confidentiality may be made by a minor or legal guardian.

15  
16       (2)   *Number of minors*

17  
18       A request for confidentiality by a legal guardian may be made for more than one  
19       minor. "Minor," as used in this rule, refers to all minors for whom a request for  
20       confidentiality is made.

21  
22    **(d)   Procedures for making request**

23  
24       (1)   *Timing of requests*

25  
26       A request for confidentiality may be made at any time during the case.

27  
28       (2)   *Submission of request*

29  
30       The person submitting a request must complete and file *Request to Keep Minor's*  
31       *Information Confidential* (form DV-160), a confidential form.

32  
33       (3)   *Ruling on request*

34  
35       (A)   *Ruling on request without notice*

36  
37       The court must determine whether to grant a request for confidentiality without  
38       requiring that any notice of the request be given to the other party, or both  
39       parties if the minor is not a party in the proceeding. No adversarial hearing is to  
40       be held.

41  
42       (B)   *Request for confidentiality submitted at the same time as a request for*  
43       *restraining orders*

1  
2 If a request for confidentiality is submitted at the same time as a request for  
3 restraining orders, the court must consider both requests consistent with Family  
4 Code section 6326, and must consider and rule on the request for confidentiality  
5 before the request for restraining order is filed.

6  
7 Documents submitted with the restraining order request must not be filed until  
8 after the court has ruled on the request for confidentiality and must be  
9 consistent with (C) below.

10  
11 (C) *Withdrawal of request*  
12

13 If a request for confidentiality under (B) made by the person asking for the  
14 restraining order is denied and the requester seeks to withdraw the request for  
15 restraining orders, all of the following apply:

16  
17 (i) The court must not file the request for restraining order and the  
18 accompanying proposed order forms and must return the documents to  
19 the requester personally, destroy the documents, or delete the documents  
20 from any electronic files;

21  
22 (ii) The order denying confidentiality must be filed and maintained in a  
23 public file; and

24  
25 (iii) The request for confidentiality must be filed and maintained in a  
26 confidential file.

27  
28 (4) *Need for additional facts*  
29

30 If the court finds that the request for confidentiality is insufficiently specific to meet  
31 the requirements under Family Code section 6301.5(b) for granting the request, the  
32 court may take testimony from the minor, or legal guardian, the person requesting a  
33 protective order, or other competent witness, in a closed hearing in order to  
34 determine if there are additional facts that would support granting the request.

35  
36 (e) **Orders on request for confidentiality**  
37

38 (1) *Rulings*  
39

40 The court may grant the entire request, deny the entire request, or partially grant the  
41 request for confidentiality.

42  
43 (2) *Order granting request for confidentiality*

1  
2 (A) Applicability  
3

4 An order made under Family Code section 6301.5 applies in this case and in  
5 any other civil case to all registers of actions, indexes, court calendars,  
6 pleadings, discovery documents, and other documents filed or served in the  
7 action, and at hearings, trial, and other court proceedings that are open to the  
8 public.  
9

10 (B) Minor's name  
11

12 If the court grants a request for confidentiality of the minor's name and:  
13

- 14 (i) If the minor is a party to the action, the court must use the initials of the  
15 minor, or other initials at the discretion of the court. In addition, the court  
16 must use only initials to identify both parties to the action if using the  
17 other party's name would likely reveal the identity of the minor.  
18  
19 (ii) If the minor is not a party to the action, the court must not include any  
20 information that would likely reveal the identity of the minor, including  
21 whether the minor lives with the person making the request for  
22 confidentiality.  
23

24 (C) Circumstances surrounding protective order (statements related to minor)  
25

26 If the court grants a request for confidentiality, the order must specifically  
27 identify the information about the minor in *Request for Domestic Violence*  
28 *Restraining Order* (form DV-100) and any other applicable document that  
29 must be kept confidential. Information about the minor ordered confidential by  
30 the court must not be made available to the public.  
31

32 (D) Service and copies  
33

34 The other party, or both parties if the person making the request for  
35 confidentiality is not a party to the action, must be served with a copy of the  
36 *Request for Domestic Violence Restraining Order* (form DV-160), *Order on*  
37 *Request to Keep Minor's Information Confidential* (form DV-165), and *Notice*  
38 *of Order Protecting Information of Minor* (form DV-170), redacted if required  
39 under (f)(4).  
40

41 The protected person and the person requesting confidentiality (if not the  
42 protected person) must be provided up to three copies of redacted and  
43 unredacted copies of any request or order form.

1  
2       (3) Order denying request for confidentiality

3  
4           (A) The order denying confidentiality must be filed and maintained in a  
5 public file. The request for confidentiality must be filed and maintained  
6 in a confidential file.

7  
8           (B) Notwithstanding denial of a request to keep the minor's address  
9 confidential, the address may be confidential under other statutory  
10 provisions

11  
12          (C) Service

13  
14           (i) If a request for confidentiality is denied and the request for  
15 restraining order has been withdrawn, and if no other action is  
16 pending before the court in the case, then the *Request to Keep*  
17 *Minor's Information Confidential* (form DV-160) and *Order on*  
18 *Request to Keep Minor's Information Confidential* (form DV-165)  
19 must not be served on the other party, or both parties if the person  
20 making the request for confidentiality is not a party to the action.

21  
22           (ii) If a request for confidentiality is denied and the request for  
23 restraining order has not been withdrawn, or if an action between  
24 the same parties is pending before the court, then the *Request to*  
25 *Keep Minor's Information Confidential* (form DV-160) and *Order*  
26 *on Request to Keep Minor's Information Confidential* (form DV-  
27 165) must be served on the other party, or both parties if the person  
28 making the request for confidentiality is not a party to the action.

29  
30       (f) **Procedures to protect confidential information when order is granted**

31  
32       (1) If a request for confidentiality is granted in whole or in part, the court, in its  
33 discretion, and taking into consideration the factors stated in (g), must ensure that the  
34 order granting confidentiality is maintained in the most effective manner by:

35  
36           (A) The judicial officer redacting all information to be kept confidential from all  
37 applicable documents;

38  
39           (B) Ordering the requesting party or the requesting party's attorney to prepare a  
40 redacted copy of all applicable documents and submit all redacted copies to the  
41 court for review and filing; or  
42

1           (C) Ordering any other procedure that facilitates the prompt and accurate  
2           preparation of a redacted copy of all applicable documents in compliance with  
3           the court's order granting confidentiality, provided the selected procedure is  
4           consistent with (g).

6           (2) The redacted copy or copies must be filed and maintained in a public file, and the  
7           unredacted copy or copies must be filed and maintained in a confidential file.

9           (3) Information that is made confidential from the public and the restrained person must  
10          be filed in a confidential file accessible only to the minor or minors who are subjects  
11          of the order of confidentiality, or legal guardian who requested confidentiality, law  
12          enforcement for enforcement purposes only, and the court.

14          (4) Any information that is made confidential from the restrained person must be  
15          redacted from the copy that will be served on the restrained person.

17   **(g) Factors in Selecting Redaction Procedures**

18  
19   In determining the procedures to follow under (f), the court must consider the following  
20   factors:

22          (1) Whether the requesting party is represented by an attorney;

24          (2) Whether the requesting party has immediate access to a self-help center or other  
25          legal assistance;

27          (3) Whether the requesting party is capable of preparing redacted materials without  
28          assistance;

30          (4) Whether the redactions to the applicable documents are simple or complex; and

32          (5) When applicable, whether the selected procedure will ensure that the orders on the  
33          request for restraining order and the request for confidentiality are entered in an  
34          expeditious and timely manner.

36   **(h) Sharing of information about a protected minor**

38          (1) Sharing of information with the respondent

40          Information about a protected minor must be shared with the respondent only as  
41          provided in Family Code section 6301.5(d)(2), limited to information necessary to  
42          allow the respondent to respond to the request for the protective order, and to comply  
43          with the confidentiality order and the protective order.



1  
2 (2) Sharing of information with law enforcement

3  
4 Information about a protected minor must be shared with law enforcement only as  
5 provided in Family Code section 6301.5(d)(1).  
6

7 **(i) Protecting information in subsequent filings and other civil cases**  
8

9 (1) Filings made after an order granting confidentiality  
10

11 (A) A party seeking to file a document or form after an order for confidentiality  
12 has been made must submit the *Cover Sheet for Confidential Information*  
13 (form DV-175) attached to the front of the document to be filed.  
14

15 (B) Upon receipt of form DV-175 with attached documents, the court must:  
16

17 (i) Order a procedure for redaction consistent with the procedures stated in  
18 (f);  
19

20 (ii) File the unredacted document in the confidential file pending receipt of  
21 the redacted document if the redacted document is not prepared on the  
22 same court day; and  
23

24 (iii) File the redacted document in the public file after it has been reviewed  
25 and approved by the court for accuracy.  
26

27 (2) Other civil case  
28

29 (A) Information subject to an order of confidentiality issued under Family Code  
30 section 6301.5 must be kept confidential in any other civil case.  
31

32 (B) The minor or person making the request for confidentiality and any person  
33 who has been served with a notice of confidentiality must submit a copy of the  
34 order of confidentiality (form DV-165) in any other civil case involving the  
35 same parties.  
36

37 **Advisory Committee Comment**  
38

39 **Subdivisions (a), (b), (d), and (e).** The process described in this rule need not be used if the request for  
40 confidentiality is merely to keep an address confidential and the minor has a mailing address which does  
41 not need to be kept private that can be listed on the forms, or if the minor's address can be made  
42 confidential under Family Code section 3429. In addition, the address need not be listed on the protective

order for enforcement purposes under Family Code section 6225. The restraining order forms do not require the address of the nonpetitioning minor.

This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to seal a record. The standard as reflected in Family Code section 6301.5 is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First Amendment right of access to documents used at trial or as a basis of adjudication.

**When do I use this form?**

Complete this form if you want the court to keep information about a minor in a domestic violence restraining order proceeding confidential and not available to the public or the restrained person. If you only want to keep your home address confidential, you may use a mailing address on your other forms rather than using this form.

**What if there is information I don't want the restrained person to have?**

You can make this request at item (8) if you want to ask the court to keep information confidential from the restrained person. If the court grants your request to keep certain information confidential from the restrained person, the information will have to be blacked out from all forms before the restrained person gets a copy. But be aware that if the court denies your request, the information may be provided to the restrained person.

**Who will see this form?**

The public will NOT have access to this form.

The restrained person will have access to the entire form unless the court grants the request made in item (8) below.

*Clerk stamps date here when form is filed.*

**DRAFT**

**08-13-18**

**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 Parties in This Case**

- a. Person who requested restraining order (form CH-100, item (1)):

Full Name: \_\_\_\_\_

- b. Person from whom protection is sought (form CH-100, item (2)):

Full Name: \_\_\_\_\_

**2 Person Making Request for Confidentiality**

- a. Full Name: \_\_\_\_\_

- b. I am:

(1) ☐ The minor requesting confidentiality.

(2) ☐ The ☐ parent ☐ legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

☐ Check here if there are additional minors. Attach a sheet of paper and write "Attachment 2b(2)—Additional Minors" for a title.

**This is not a Court Order.**



**3 Contact Information**

- a. Your lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

- b. 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: \_\_\_\_\_

**4 ☐ Requests for More Than One Minor (ONLY for parents or legal guardians)**

I am making this request for two or more minors.

- a. ☐ The information I want confidential (as checked in item **5**) is the SAME for all minors.
- b. ☐ The information I want confidential (as checked in item **5**) is NOT the same for all minors.

*If you checked b, make sure you list all the information you want confidential for each minor in **5**. If you need more space in **5**, attach a separate piece of paper.*

**5 Information to Be Kept Confidential from the Public**

I want the information checked below to be made confidential and NOT available to the public.

Check ALL that apply:

- a.
- ☐
- Minor's name**

*(Note: If your request is granted, the public will not have access to your name in this case, but the restrained person and law enforcement must be given this information.)*

- b.
- ☐
- Minor's address**

The address I want kept confidential is: \_\_\_\_\_

*(Note: You do NOT have to make this request if you use a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.)*

- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5b" for the title.

**This is not a Court Order.**

c. ☐ **Information relating to the minor**

*(Note: If information relating to the minor is made confidential by the court, the public will not have access to this information but the restrained person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)*

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) ☐

Attach a copy of form CH-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) ☐

List the information below, identifying the location of the statements in form CH-100 or other document that you are filing.

<b>Location of Information</b> <i>(for example, form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	<b>Information to Be Redacted</b> <i>(not viewable by the public)</i>
---	--

☐ *Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5c(2)" for a title.*

(a)

(b)

(c)

(d)

**This is not a Court Order.**

6

To approve your request, the court must expressly find all of the following:

- The minor's right to privacy overcomes the right of the public access to the information;
- There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential;
- The order to keep the information confidential is narrowly tailored; and
- No less restrictive means exist to protect the minor's privacy.

Use these four requirements to help you answer the questions below.

- a. Why should the information about the minor provided in item (5) be kept private or confidential?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6a" for a title.

[illegible]

- b. What do you think would happen if the information was NOT made private or confidential?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6b" for a title.

[illegible]

**This is not a Court Order.**

**7 If any portion of the request for confidentiality from the public (item 5) is denied, I want to (check one):**

a. ☐ **Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). I understand that cancelling my request means that I will not receive a restraining order at this time. (Note: You may file a request on the same or different facts at a later date.)

b. ☐ **Move forward with my request for restraining order**

I ask the court to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). (Note: Choosing this option means that the information in your request for restraining order (form CH-100) and other related documents and forms will be available to the public and must be seen by the restrained person unless you make a request in item 8 and the court approves the request.)

**8 ☐ Information to Be Kept Confidential from the Restrained Person**

(Note: The restrained person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the restrained person to have access to some of the information checked in item 5.

a. What information do you want to be confidential and not given to the restrained person?

(1) ☐ Minor's name

(2) ☐ Minor's address

(3) ☐ Other information relating to the minor from item 5 (specify):

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8a(3)" for a title.

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b. Why should the information listed in (a) be kept confidential and not given to the restrained person?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8b" for a title.

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c. What do you think would happen if the information listed in (a) is given to the restrained person?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8c" for a title.

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**This is not a Court Order.**



d. If any portion of the request for confidentiality from the restrained person (item ⑧) is denied, I want to:

(1) ☐ **Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request For Civil Harassment Restraining Orders* (form CH-100). I understand that cancelling my request means that I will not receive a restraining order at this time. (Note: You may file a request on the same or different facts at a later date.)

(2) ☐ **Move forward with my request for restraining order**

I ask the court to make a decision on my *Request for Civil Harassment Restraining Orders* (form CH-100). (Note: Choosing this option means that all of the information in your request for restraining order (form CH-100) must be seen by the restrained person.)

⑨ 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*

▶ \_\_\_\_\_  
*Signature of person making this request*

**This is not a Court Order.**



☐ CONFIDENTIAL☐ PUBLIC VERSION (REDACTED)*Person in ② must complete items ① and ② only.***① Parties in This Case**

- a. Person who requested restraining order (form CH-100, item ①):

Full Name: \_\_\_\_\_

- b. Person from whom protection is sought (form CH-100, item ②):

Full Name: \_\_\_\_\_

**② Person Making Request for Confidentiality**

Full Name: \_\_\_\_\_

*Court will complete item ③ if request is denied or items ④–⑬ if request is granted or partially granted.***DRAFT****08-20-2018****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:****Court's Decision**

The court has reviewed the request for confidentiality and makes the following decision:

**③ ☐ Denied in Whole or in Part or More Information Needed**

- a.
- ☐
- DENIED.**
- The request to keep information of a minor or minors confidential is denied.

- (1)
- ☐
- The court will NOT make a decision on the Request for Civil Harassment Restraining Orders (form CH-100).**
- The request for restraining order and proposed order forms must be returned to the requestor personally, destroyed, or deleted from electronic files and not filed with the court unless the person requesting the restraining order agrees to file them without any changes.

- (2)
- ☐
- The court will make a decision on the request for restraining order.**
- The request for restraining order and any accompanying orders will be filed.

- b.
- ☐
- More information is needed for court decision.**
- You must go to court on the date and time below to provide more information on why you need a request for confidentiality.

**Hearing  
Date**Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)***Instructions to Clerk**If item ③ is checked, file page 1 in a public file and discard pages 2–5.  
File the request for confidentiality (form CH-160) in a confidential file.**This is a Court Order.**

*Court will complete the rest of this form if the request is partially or fully granted*

**4** ☐ **GRANTED**

- a. ☐ **Granted in full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items **5**–**12**.
- b. ☐ **Partially granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items **5**–**12**.

**5** **Findings**

- ☐ The court finds all of the following (*all of these findings are required if granting in full or in part*):
- a. The right to privacy of the minors listed in item **6** overcomes the public's right of access to the information;
- b. There is a substantial probability that the interests of the minors listed in item **6** will be prejudiced if the information is not kept confidential;
- c. The order is narrowly tailored; and
- d. No less restrictive means exist to protect the privacy of the minors in item **6**.

**6** ☐ **Minors Subject to This Order**

This order protects the information listed in item **8** for the following minors:

- a. Name: \_\_\_\_\_
- b. Name: \_\_\_\_\_
- c. Name: \_\_\_\_\_
- d. Name: \_\_\_\_\_

☐ Check here if there are additional minors. Attach a sheet of paper and write "Attachment 2b(2)—Additional Minors" for a title.

References in this order to "the minor" refer to all minors listed here.

**7** **WARNING:** If the information listed in item **8** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.

**8** **Information to Be Kept Confidential From Public**

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. ☐ **Name of minor**

True name of minor in item <b>6</b> (to be kept confidential)	Initials viewable by the public (to be used in redacted version)
_____	_____
_____	_____
_____	_____
_____	_____

**This is a Court Order.**



b. ☐ **Address of minor**

The following addresses of the minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. ☐ **Information relating to minor (check one):**

- (1) ☐ The information CIRCLED in the attached copy of form CH-100 or other document or form is made confidential by this order.
- (2) ☐ The information below is made confidential by this order:

<b>Location of Information</b> <i>(for example, form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	<b>Information to Be Redacted</b> <i>(not viewable by the public)</i>
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☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8c(2)" for a title.

(a)

(b)

(c)

(d)

d. ☐ **Other:**

**This is a Court Order.**

**9 Information to Be Kept Confidential from the Restrained Person**

The restrained person (*full name*) \_\_\_\_\_ will have access to the following information checked in item **(8)** to comply with the protective order and prepare a response:

- a. ☐ All the information, unredacted.
- b. ☐ All the information except for the following:
- ☐ *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on top, and attach to this form.*

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**WARNING:** If the information listed in item **(8)** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.

**10 Responsibility for Redacting All Forms and Documents**

- a. All forms and documents submitted with the request for confidentiality **must be redacted and filed with the court** no later than (*number of court days or date*) \_\_\_\_\_, by the:
- (1) ☐ Court
- (2) ☐ Person making the request
- (3) ☐ Other: \_\_\_\_\_
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

**11 Court Records and Hearings**

The information listed in item **(8)** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case.
- b. Future court hearings, including any documents introduced during a hearing in this case or any civil case in the State of California.

**12 To All Parties**

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **(8)** must be filed with form CH-175, *Cover Sheet for Confidential Information*, attached to the front.

**This is a Court Order.**



**13 To the Person Making the Request for Confidentiality**

You must do the following:

- a. ☐ Have a copy of each form listed in item (c) below **personally served** on (given to) the restrained person.  
(See form CH-200-INFO to find out how to meet this requirement. Personal service is required when the protected person is making this request and when forms CH-100, CH-109, and CH-110 have NOT been served on the restrained person.)
- b. ☐ Have a copy of each form listed in item (c) mailed to the:
- (1) ☐ Restrained person
- (2) ☐ Protected person
- (3) ☐ Other: \_\_\_\_\_  
(See form CH-250 to find out how to meet this requirement.)
- c. Forms to serve:
- (1) Form CH-170, *Notice of Order Protecting Information of Minor*  
**(Form CH-170 should be the first page with all others stapled behind.)**
- (2) ☐ Form CH-100, *Request for Civil Harassment Restraining Order*
- (3) ☐ Form CH-109, *Notice of Court Hearing*
- (4) ☐ Form CH-110, *Temporary Restraining Order*
- (5) ☐ Form CH-160, *Request to Keep Minor's Information Confidential*  
☐ Unredacted      ☐ Redacted (if item 9b on CH-165 is checked)
- (6) Form CH-165, *Order on Request to Keep Minor's Information Confidential*  
☐ Unredacted      ☐ Redacted (if item 9b on CH-165 is checked)
- (7) Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
- (8) ☐ Other: \_\_\_\_\_
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Instructions to Clerk**

The originals of all unredacted documents containing the information checked in item ⑧ must be kept in a confidential file and the information provided in item ⑧ must not appear in:

- Any register of action;
- Any calendar;
- Any index;
- Any transcript; or
- Any minute order.

Any information listed in item 9b must be sealed and filed in a confidential file.

**This is a Court Order.**

Clerk stamps date here when form is filed.

**DRAFT****08-13-2018****NOT APPROVED BY  
THE JUDICIAL COUNCIL**

Fill in court name and street address:

**Superior Court of California, County of**

Fill in the case number and ticket number (if you have it):

**Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in form CH-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information may be given ONLY to law enforcement to enforce the restraining order (attached form CH-110).

**2 Documents Attached to This Notice**

The following documents contain confidential information:

- a. ☐ Form CH-100, *Request for Civil Harassment Restraining Order*
- b. ☐ Form CH-109, *Notice of Court Hearing*
- c. ☐ Form CH-110, *Temporary Restraining Order*
- d. ☐ Form CH-130, *Restraining Order After Hearing*
- e. ☐ Form CH-160, *Request to Keep Minor's Information Confidential*
- f. ☐ Form CH-165, *Order on Request to Keep Minor's Information Confidential*
- g. ☐ Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
- h. ☐ Other: \_\_\_\_\_

**3 Filing Documents**

If you file any document that contains any confidential information in this case or other civil case, **you MUST also use form CH-175 as a cover sheet**. See form CH-165, item **(8)** for all information made confidential by the court.

**4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court or face other sanctions.****Instructions to Clerk**

When providing copies of unredacted filed documents to any party, you must attach this cover sheet on top of the document or set of documents. Complete item **(2)** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

**Instructions to Parties**

- When to use this cover sheet:
  - ☒ Form CH-165 has been issued by the court  
AND
  - ☒ You want to file a document or form that includes confidential information (*see form CH-165, item (8)*).
- How to use this cover sheet:
  - Make **two copies** of the documents you want to file.
  - Complete this form, place it on top of the documents (both copies) you want to file, and file them with the court.

**DRAFT****08-13-2018****NOT APPROVED BY  
THE JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number:

**Case Number:****Instructions to Clerk**

- The court must review and approve a redacted version of documents attached to this cover sheet **before filing**.
- Once approved by the court, file the redacted version in a public file.
- File the unredacted version and this cover sheet in a confidential file.

**1 Parties in This Case**

- a. Person who filed the case:

(Name): \_\_\_\_\_

- b. Other party or parties:

(Name): \_\_\_\_\_

**2 Information About the Order for Confidentiality**

- a. The order was made in (
- check one*
- ):

(1) ☐ This case.(2) ☐ Another civil case:

(a) Case number: \_\_\_\_\_

(b) County it was filed in: \_\_\_\_\_

*Attach a copy of the order (form CH-165) if you have one.*

- b. Minor protected by confidentiality order:

(1) Name: \_\_\_\_\_

(2) Name: \_\_\_\_\_

☐ Check here if you need more space. Include the information on a separate piece of paper, write "Attachment 2" on the top, and attach it to this form.
**3 I have attached two copies of the following documents:**☐ Form CH-\_\_\_\_\_☐ Other form or document (*describe*): \_\_\_\_\_

Date: \_\_\_\_\_

Type or print your name



Sign your name

**When do I use this form?**

Complete this form if you want the court to keep information about a minor in a domestic violence restraining order proceeding confidential and not available to the public or the restrained person. If you only want to keep your home address confidential, you may use a mailing address on your other forms rather than using this form.

**What if there is information I don't want the restrained person to have?**

You can make this request at item (8) if you want to ask the court to keep information confidential from the restrained person. If the court grants your request to keep certain information confidential from the restrained person, the information will have to be blacked out from all forms before the restrained person gets a copy. But be aware that if the court denies your request, the information may be provided to the restrained person.

**Who will see this form?**

The public will NOT have access to this form.

The restrained person will have access to the entire form unless the court grants item (8) on this form.

*Clerk stamps date here when form is filed.*

**DRAFT**

**07-31-2018**

**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 Parties in This Case**

- a. Person who requested restraining order (form DV-100, item (1)):

Full Name: \_\_\_\_\_

- b. Person from whom protection is sought (form DV-100, item (2)):

Full Name: \_\_\_\_\_

**2 Person Making Request for Confidentiality**

- a. Full Name: \_\_\_\_\_

- b. I am:

(1) ☐ The minor requesting confidentiality.

(2) ☐ The ☐ parent ☐ legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

☐ Check here if there are additional minors. Attach a sheet of paper and write "Attachment 2b(2)—Additional Minors" for a title.

**This is not a Court Order.**



**3 Contact Information**

- a. Your lawyer (if you have one for this case):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

- b. 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: \_\_\_\_\_

**4 ☐ Requests for More Than One Minor (ONLY for parents or legal guardians)**

I am making this request for two or more minors.

- a. ☐ The information I want confidential (as checked in item 5) is the SAME for all minors.
- b. ☐ The information I want confidential (as checked in item 5) is NOT the same for all minors.

*If you checked b, make sure you list all the information you want confidential for each minor in 5. If you need more space in 5, attach a separate piece of paper.*

**5 Information to Be Kept Confidential from the Public**

I want the information checked below to be made confidential and NOT available to the public.

*Check ALL that apply:*

- a.
- ☐
- Minor's name**

*(Note: If your request is granted, the public will not have access to your name in this case, but the restrained person and law enforcement must be given this information.)*

- b.
- ☐
- Minor's address**

The address I want kept confidential is: \_\_\_\_\_

*(Note: You do NOT have to make this request if you use a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.)*

- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5b" for the title.

**This is not a Court Order.**

c. ☐ **Information relating to the minor**

*(Note: If information relating to the minor is made confidential by the court, the public will not have access to this information but the restrained person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)*

Describe all information in the documents that will be filed that you want kept confidential.

You may either (*check one*):

- (1) ☐ Attach a copy of form DV-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) ☐ List the information below, identifying the location of the statements in form DV-100 or other document that you are filing.

<b>Location of Information</b> <i>(for example, form #, page #,  paragraph #, line #,  attachment #, or exhibit #)</i>	<b>Information to Be Redacted</b> <i>(not viewable by the public)</i>
(a) _____ _____ _____ _____	_____ _____ _____ _____
(b) _____ _____ _____ _____	_____ _____ _____ _____
(c) _____ _____ _____ _____	_____ _____ _____ _____
(d) _____ _____ _____ _____	_____ _____ _____ _____

- ☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 5c(2)" for a title.

**This is not a Court Order.**



6 Reasons for Request

To approve your request in 5, the court must expressly find all of the following:

- The minor's right to privacy overcomes the public's right to access the information;
- There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential;
- The order to keep the information confidential is narrowly tailored; and
- No less restrictive means exist to protect the minor's privacy.

Use these four requirements to help you answer the questions below.

a. Why should the information about the minor provided in item 5 be kept private or confidential from the public?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6a" for a title.

b. What do you think would happen if the information was NOT made private or confidential?

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 6b" for a title.

This is not a Court Order.

**7 If any portion of the request for confidentiality from the public (item 5) is denied, I want to (check one):****a. ☐ Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request for Domestic Violence Restraining Order* (form DV-100). I understand that cancelling my request means that I will not receive a restraining order at this time. (Note: You may file a request on the same or different facts at a later date.)

**b. ☐ Move forward with my request for restraining order**

I ask the court to make a decision on my *Request for Domestic Violence Restraining Order* (form DV-100). (Note: Choosing this option means that all of the information in your *Request for Domestic Violence Restraining Order* (form DV-100) and other related documents and forms will be available to the public and must be seen by the restrained person.)

**8 ☐ Information to Be Kept Confidential from the Restrained Person**

(Note: The restrained person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the restrained person to have access to some of the information checked in item 5.

**a. What information do you want to be confidential and not given to the restrained person?**(1) ☐ Minor's name(2) ☐ Minor's address(3) ☐ Other information relating to the minor from item 5 (specify):

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☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8a(3)" for a title.

**b. Why should the information listed in (a) be kept confidential and not given to the restrained person?**


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☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8b" for a title.

**c. What do you think would happen if the information listed in (a) is given to the restrained person?**


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☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8c" for a title.

**This is not a Court Order.**



d. ☐ If any portion of the request for confidentiality from the restrained person (item ⑧) is denied, I want to:

(1) ☐ **Cancel my request for restraining order**

I ask the court NOT to make a decision on my *Request for Domestic Violence Restraining Order* (form DV-100). I understand that cancelling my request means that I will not receive a restraining order at this time. (Note: You may file a request on the same or different facts at a later date.)

(2) ☐ **Move forward with my request for restraining order**

I ask the court to make a decision on my *Request for Domestic Violence Restraining Order* (form DV-100). (Note: Choosing this option means that all of the information in your *Request for Domestic Violence Restraining Order* (form DV-100) must be seen by the restrained person.)

⑨ Number of pages attached to this form, if any: \_\_\_\_\_

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

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name*



\_\_\_\_\_  
*Signature of person making this request*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name (if any)*



\_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**

☐ **CONFIDENTIAL**

☐ **PUBLIC VERSION (REDACTED)**

*Person in ② must complete items ① and ② only.*

**① Parties in This Case**

a. Person who requested restraining order (form DV-100, item ①):

Full Name: \_\_\_\_\_

b. Person from whom protection is sought (form DV-100, item ②):

Full Name: \_\_\_\_\_

**② Person Making Request for Confidentiality**

Full Name: \_\_\_\_\_

*Court will complete item ③ if request is denied or items ④–⑬ if request is granted or partially granted.*

**DRAFT**

**8-1-2018**

**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:**

**Court's Decision**

The court has reviewed the request for confidentiality and makes the following decision:

**③ ☐ Denied in Whole or in Part or More Information Needed**

a. ☐ **DENIED.** The request to keep information of a minor or minors confidential is denied.

(1) ☐ **The court will NOT make a decision on the Request for Domestic Violence Restraining Order (form DV-100).** The request for restraining order and proposed order forms must be returned to the requester personally, destroyed, or deleted from electronic files and not filed with the court unless the person requesting the restraining order agrees to file them without any changes.

(2) ☐ **The court will make a decision on the Request for Domestic Violence Restraining Order (form-DV-100).** The request for restraining order and any accompanying orders will be filed in the public file.

b. ☐ **More information is needed for court decision.** You must go to court on the date and time below to provide more information on why you need a request for confidentiality.

<div style="border: 2px solid black; border-radius: 10px; padding: 5px; width: 40px; margin: 0 auto;"> <b>Hearing Date</b> </div>	→	Date: _____ Time: _____ Dept.: _____ Room: _____	Name and address of court if different from above: _____ _____ _____
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c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Instructions to Clerk**

If item ③ is checked, file page 1 in a public file and discard pages 2–5.  
File the request for confidentiality (form DV-160) in a confidential file.

**This is a Court Order.**

*Court will complete the rest of this form if the request is partially or fully granted*

**4** ☐ **GRANTED**

- a. ☐ **Granted in full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items **5**–**12**.
- b. ☐ **Partially granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items **5**–**12**.

**5** **Findings**

- ☐ The court finds all of the following (*all of these findings are required if granting in full or in part*):
- a. The right to privacy of the minors listed in item **6** overcomes the public's right of access to the information;
- b. There is a substantial probability that the interests of the minors listed in item **6** will be prejudiced if the information is not kept confidential;
- c. The order is narrowly tailored; and
- d. No less restrictive means exist to protect the privacy of the minors in item **6**.

**6** ☐ **Minors Subject to This Order**

This order protects the information listed in item **8** for the following minors:

- a. Name: \_\_\_\_\_
- b. Name: \_\_\_\_\_
- c. Name: \_\_\_\_\_
- d. Name: \_\_\_\_\_

☐ Check here if there are additional minors. Attach a sheet of paper and write "Attachment 2b(2)—Additional Minors" for a title.

References in this order to "the minor" refer to all minors listed here.

**7** **WARNING:** If the information listed in item **8** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.

**8** **Information to Be Kept Confidential from Public**

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. ☐ **Name of minor**

True name of minor in item <b>6</b> (to be kept confidential)	Initials viewable by the public (to be used in redacted version)

**This is a Court Order.**



b. ☐ **Address of minor**

The following addresses of the minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. ☐ **Information relating to minor (check one):**

- (1) ☐ The information CIRCLED in the attached copy of form DV-100 or other document or form is made confidential by this order.
- (2) ☐ The information below is made confidential by this order:

Location of Information <i>(for example, form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	Information to Be Redacted <i>(not viewable by the public)</i>
--	---

(a)

(b)

(c)

(d)

☐ Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper, and write "Attachment 8c(2)" for a title.

d. ☐ **Other:**



**9 Information to Be Kept Confidential from the Restrained Person**

The restrained person (*full name*) \_\_\_\_\_ will have access to the following information checked in item **(8)** to comply with the protective order and prepare a response:

- a. ☐ All the information, unredacted.
- b. ☐ All the information except for the following:

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☐ Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9b" at the top, and attach to this form.

**WARNING: If the information listed in item **(8)** is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court or face other sanctions.**

**10 Responsibility for Redacting All Forms and Documents**

- a. All forms and documents submitted with the request for confidentiality **must be redacted and filed with the court** no later than (*number of court days or date*) \_\_\_\_\_, by the:
- (1) ☐ Court
- (2) ☐ Person making the request
- (3) ☐ Other: \_\_\_\_\_
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

**11 Court Records and Hearings**

The information listed in item **(8)** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case.
- b. Future court hearings, including any documents introduced during a hearing in this case or any civil case in the State of California.

**12 To All Parties**

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **(8)** must be filed with form DV-175, *Cover Sheet for Confidential Information*, attached to the front.

**This is a Court Order.**

**13 To the Person Making the Request for Confidentiality**

You must do the following:

- a. ☐ Have a copy of each form listed in item (c) below **personally served** on (given to) the restrained person.  
(See form DV-200-INFO to find out how to meet this requirement. Personal service is required when the protected person is making this request and when forms DV-100, DV-109 and DV-110 have NOT been served on the restrained person.)
- b. ☐ Have a copy of each form listed in item (c) mailed to the:
- (1) ☐ Restrained person
  - (2) ☐ Protected person
  - (3) ☐ Other: \_\_\_\_\_  
(See form DV-250 to find out how to meet this requirement.)
- c. Forms to serve:
- (1) Form DV-170, *Notice of Order Protecting Information of Minor*  
**(Form DV-170 should be the first page with all others stapled behind.)**
  - (2) ☐ Form DV-100, *Request for Domestic Violence Restraining Order*
  - (3) ☐ Form DV-109, *Notice of Court Hearing*
  - (4) ☐ Form DV-110, *Temporary Restraining Order*
  - (5) ☐ Form DV-160, *Request to Keep Minor's Information Confidential*  
☐ Unredacted      ☐ Redacted (if item 9b on DV-165 is checked)
  - (6) Form DV-165, *Order on Request to Keep Minor's Information Confidential*  
☐ Unredacted      ☐ Redacted (if item 9b on DV-165 is checked)
  - (7) Form DV-175, *Cover Sheet for Confidential Information* (leave blank)
  - (8) ☐ Other: \_\_\_\_\_
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judge (or Judicial Officer)*

**Instructions to Clerk**

1. The originals of all unredacted documents containing the information checked in item ⑧ must be kept in a confidential file and must NOT appear in any **register of action, calendar, index, minute order, or transcript**.
2. If item 9b is checked, provide the person making this request no more than three certified copies of forms DV-100, DV-109, and DV-110, which must include any information in item ⑧ but must NOT include any information listed in item 9b. Use form DV-170 as a cover sheet for each set of forms.
3. Any information listed in item 9b must not be available to the restraining person and filed in a confidential file.

**This is a Court Order.**

*Clerk stamps date here when form is filed.***DRAFT****08-01-18****NOT APPROVED BY  
THE JUDICIAL COUNCIL***Fill in court name and street address:***Superior Court of California, County of***Fill in the case number and ticket number (if you have it):***Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in form DV-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information may be given ONLY to law enforcement to enforce the restraining order (attached form DV-110).

**2 Documents Attached to This Notice**

The following documents contain confidential information:

- a. ☐ Form DV-100, *Request for Domestic Violence Restraining Order*
- b. ☐ Form DV-109, *Notice of Court Hearing*
- c. ☐ Form DV-110, *Temporary Restraining Order*
- d. ☐ Form DV-130, *Restraining Order After Hearing*
- e. ☐ Form DV-160, *Request to Keep Minor's Information Confidential*
- f. ☐ Form DV-165, *Order on Request to Keep Minor's Information Confidential*
- g. ☐ Form DV-175, *Cover Sheet for Confidential Information* (leave blank)
- h. ☐ Other: \_\_\_\_\_

**3 Filing Documents**

If you file any document that contains any confidential information in this case or other civil case, **you MUST also use form DV-175 as a cover sheet**. See form DV-165, item **(8)** for all information made confidential by the court.

**4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court or face other sanctions.****Instructions to Clerk**

When providing copies of unredacted filed documents to any party, you must attach this cover sheet on top of the document or set of documents. Complete item **(2)** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

**Instructions to Parties**

- When to use this cover sheet:
  - ☒ Form DV-165 has been issued by the court  
AND
  - ☒ You want to file a document or form that includes confidential information (*see form DV-165, item ⑧*).
- How to use this cover sheet:
  - Make **two copies** of the documents you want to file.
  - Complete this form, place it on top of the documents (both copies) you want to file, and file them with the court.

**DRAFT****07-27-2018****NOT APPROVED BY  
THE JUDICIAL COUNCIL**

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number:

**Case Number:****Instructions to Clerk**

- The court must review and approve a redacted version of documents attached to this cover sheet **before filing**.
- Once approved by the court, file the redacted version in a public file.
- File the unredacted version and this cover sheet in a confidential file.

**① Parties in This Case**

- a. Person who filed the case:

(Name): \_\_\_\_\_

- b. Other party or parties:

(Name): \_\_\_\_\_

**② Information About the Order for Confidentiality**

- a. The order was made in (
- check one*
- ):

(1) ☐ This case.(2) ☐ Another civil case:

(a) Case number: \_\_\_\_\_

(b) County it was filed in: \_\_\_\_\_

*Attach a copy of the order (form DV-165) if you have one.*

- b. Minor protected by confidentiality order:


(1) Name: \_\_\_\_\_

(2) Name: \_\_\_\_\_

☐ Check here if you need more space. Include the information on a separate piece of paper, write "Attachment 2" on the top, and attach it to this form.
**③ I have attached two copies of the following documents:**☐ Form DV- \_\_\_\_\_☐ Other form or document (*describe*): \_\_\_\_\_

Date: \_\_\_\_\_

Type or print your name

 Sign your name

**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 Name of Person Asking for Order:**

Your lawyer in this case (if you have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**2 Name of Person to Be Restrained:**

*The court will fill out the rest of this form.*

**3 Notice of Hearing**

**A court hearing is scheduled on the request for restraining orders against the person in ②:**

**Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

**4 Temporary Restraining Orders (Any orders granted are attached on form DV-110.)**

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order*, are (check only one box below):

- (1) ☐ All **GRANTED** until the court hearing.
- (2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form DV-100, *Request for Domestic Violence Restraining Order*, are:

- (1) ☐ The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5.)
- (2) ☐ The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) ☐ Further explanation of reason for denial, or reason not listed above:



**5 Confidential Information Regarding Minor**

- a. ☐ A Request to Keep Minor's Information Confidential (form DV-160) was made and **GRANTED** (see form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. If the request was granted, the information described on the order (form DV-165, item ⑧) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1,000 or possible sanctions.

**6 Service of Documents by the Person in ①**

At least ☐ five ☐ \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form (DV-109, Notice of Court Hearing) to the person in ② along with a copy of all the forms indicated below:

- a. DV-100, Request for Domestic Violence Restraining Order (file-stamped)
- b. ☐ DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Domestic Violence Restraining Order (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Domestic Violence Restraining Order?
- e. DV-250, Proof of Service by Mail (blank form)
- f. ☐ DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g. ☐ Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_

Judicial Officer

**Right to Cancel Hearing: Information for the Person in ①**

- If item ④(a)(2) or ④(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item ⑥ on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item ⑥ served on the other person within the time listed in item ⑥.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on form DV-110 will end on the date of the hearing.



**To the Person in ① :**

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read form DV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read form DV-115-INFO, *How to Ask for a New Hearing Date*.

**To the Person in ② :**

- If you want to respond in writing, mail a copy of your completed form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in ① and file it with the court. You cannot mail form DV-120 yourself. Someone age 18 or older — **not you** — must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the hearing.
- For information about responding to a restraining order and filing your answer, read form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

**—Clerk's Certificate—**

Clerk's Certificate  
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**1 Person Seeking Protection**

a. Your Full Name: \_\_\_\_\_

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

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

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**DRAFT****08-13-18****Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****2 Person From Whom Protection Is Sought**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.***3 Notice of Hearing****A court hearing is scheduled on the request for restraining orders against the person in ②:****Hearing  
Date**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**4 Temporary Restraining Orders** (Any orders granted are on form CH-110, served with this notice.)a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are (check only one box below):(1) ☐ All **GRANTED** until the court hearing.(2) ☐ All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)(3) ☐ Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)



b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form CH-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) ☐ The facts as stated in form CH-100 do not sufficiently show acts of violence, threats of violence, or a course of conduct that seriously alarmed, annoyed, or harassed the person in ① and caused substantial emotional distress.
- (2) ☐ Other (*specify*): ☐ As set forth on Attachment 4b.

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**5 Confidential Information Regarding Minor**

- a. ☐ A *Request to Keep Minor's Information Confidential* (form CH-160) was made and **GRANTED**. (*See form CH-165, Order on Request to Keep Minor's Information Confidential, served with this form.*)
- b. **If the request was granted, the information described in item ⑧ on the order (form CH-165) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1000 or possible sanctions.**

**6 Service of Documents for the Person in ①**

At least ☐ five ☐ \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court's file-stamped copy of this form CH-109 to the person in ② along with a copy of all the forms indicated below:

- a. CH-100, *Request for Civil Harassment Restraining Orders* (file-stamped)
- b. ☐ CH-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- d. CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- e. CH-250, *Proof of Service of Response by Mail* (blank form)
- f. ☐ CH-170, *Notice of Order Protecting Information of Minor* and CH-165, *Order on Request to Keep Minor's Information Confidential* (file-stamped) **IF GRANTED**
- g. ☐ Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_



\_\_\_\_\_  
*Judicial Officer*

**To the Person in ① :**

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form CH-200, *Proof of Personal Service*, may be used.
- For information about service, read form CH-200-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form CH-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.

**To the Person in ② :**

- If you want to respond to the request for orders in writing, file form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ①.
- The person who mailed the form must fill out a proof of service form. Form CH-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms that you own or possess.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
[seal]

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

	Commentator	Position	Comment	Committee Response
1.	California Department of Justice, Bureau of Criminal Identification and Investigative Services Branch by Nicole Quinn, Manager	A	<p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?</p> <ul style="list-style-type: none"><li>• Our primary concern is that law enforcement needs to have access to accurate information to enforce orders and therefore the information in CARPOS/CLETS must be complete and unredacted. The committee should be advised that statistical reports run by the DOJ Research Center on restraining order data will be pulled from CARPOS.</li></ul> <p>Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>• Law enforcement agencies may be in a better position to comment on this question.</li></ul>	<ul style="list-style-type: none"><li>• The committees agree that any information necessary for enforcement will need to be provided for entry into CARPOS/CLETS.</li><li>• No response required.</li></ul>
2.	California Lawyers Association, The Executive Committee of the Family Law Section (FLEXCOM)	A	The Executive Committee of the Family Law Section of the California Lawyers Association (FLEXCOM) discussed SPR 18-35, which	

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

	Commentator	Position	Comment	Committee Response
	By Stephen Hamilton, Legislation Chair and Saul Bercovitch, Director of Governmental Affairs		<p>details the proposed new forms, amendments to current forms and the proposed rules to implement Family Code section 6301.5 and Code of Civil Procedure section 527.6(v). FLEXCOM recognizes that implementation of Assembly Bill 953 (Stats. 2017, ch. 384) is complicated, but also recognizes the necessity of structure to provide a consistent method for litigants, and self-represented litigants in particular, to access protections granted under Family Code section 6301.5 and Code of Civil Procedure 527.6(v).</p> <p>FLEXCOM responds to the Request for Specific Comments as follows:</p> <p>1. Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none"><li>• Yes, if asking the courts to maintain all filings as confidential is not feasible due to the governing statutes, backlog, and delay in filings, and with the recognition that training of court staff and additional self-help center personnel will streamline implementation of these necessary measures.</li></ul> <p>2. Service of request form – Should the request form be served on all parties after the court rules on the request, and should service of the request be required whether the court grants or denies</p>	<ul style="list-style-type: none"><li>• The committees believe that maintaining all filings as confidential would not comply with the governing statutes and case law, which require that the confidentiality order be narrowly tailored and no less restrictive means exist to protect the minor’s privacy.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

	Commentator	Position	Comment	Committee Response
			<p>the request?</p> <ul style="list-style-type: none"><li>FLEXCOM does not have specific comments in response to this question. One thought is that proposed rule 3.1161(d)(3)(C) permits the withdrawal of the Restraining Order/ Civil Harassment Request by returning the entire packet to the requesting party if the request for confidentiality is denied. So, if the request is denied, the requesting party may elect to withdraw the request and in such a case it seems that the request should not be served on all parties.</li></ul> <p>Further, since item 6 on the new DV/CH 160 has information that the requesting party wants kept confidential from the restrained party, how will the court direct the service of the request containing that information which should not be known to the restrained person? The same question came up about the form 165 item 9 (order). Perhaps this is redacted prior to service?</p> <p>Lastly, if the request is denied, then it seems that service of the request should be delayed in order to permit the requesting party to exercise the option of withdrawing the entire application.</p> <p>3. Confidentiality of order denying request – Should the order denying the request for</p>	<ul style="list-style-type: none"><li>The committees agree that if no other action is pending before the court in the case, service of the request for confidentiality (CH/DV-160) should not be served on the parties.</li><li>Yes, if the order for confidentiality (for CH/DV-165) includes an order that certain information be kept confidential even from the restrained party, the order would have to redacted prior to service on the restrained party</li><li>If the request for restraining order is submitted at the same time as the request for confidentiality, the requester would indicate on form CH/DV-160, item 7 and 8, whether they wish to withdraw their request for protective orders in the event the request for confidentiality is denied. Therefore the option</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

	Commentator	Position	Comment	Committee Response
			confidentiality be placed in the public file as proposed by rules at (e)(2)(E) or in the confidential file in order to protect the identity of the minor who may elect to withdraw the request for a protective order entirely?	to withdraw in case of denial must be made at the time of the request, not after a denial, to avoid the time delay envisioned in the comment. If the request for protective orders is withdrawn then no service is needed.
			FLEXCOM does not have specific comments in response to this question. However, it seems that the order denying the request should be maintained in the confidential file for the reason set out in the question. Proposed rule 3.1161(d)(3)(C) permits the requesting party to withdraw the request for protection, but if the order denying the request were in the public file, the responding party may search court records and learn that a request for protection was once made. It is possible that the responding party may use such information to taunt the requesting party. One of our members has seen this scenario. It is not clear why the order denying the request for confidentiality would need to be in the public file, but it may be necessary in order to comply with the governing statutes. If it is not necessary to comply with the statutes, then maintaining the order denying the request in the confidential file seems best.	<ul style="list-style-type: none"><li>• The committees believe that the order denying the request for confidentiality should be in the public file, to provide transparency of court rulings. As proposed, forms CH/DV-165, are designed to provide minimal information regarding the requestor in the event the order is denied by the court.</li></ul>
			4. Reasons for request – Do the forms elicit the information needed to make the required findings?	
			FLEXCOM does not have specific comments to this question, but the forms appear sufficient to	<ul style="list-style-type: none"><li>• The committees believe that the language proposed (now provided in CH/DV-160, item</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		elicit the information a court will need to make the required findings.	6 of the proposal) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing.
		5. Redaction of confidential information	
		<ul style="list-style-type: none"><li>FLEXCOM does not have specific comments in response to this question, other than to again express the concern that the procedure is complicated.</li></ul>	<ul style="list-style-type: none"><li>The committees agree that the process is complicated but necessary to provide access to the new relief, while complying with the governing statutes.</li></ul>
		<ul style="list-style-type: none"><li>One specific question raised was how the court would determine whether the requesting party is capable of preparing redacted material without assistance (proposed subdivision (g)(3)).</li></ul>	<ul style="list-style-type: none"><li>The committees believe that judicial officers will be able to make this determination based on the specific circumstances of a case.</li></ul>
		<ul style="list-style-type: none"><li>Upon implementation of this rule, FLEXCOM anticipates that courts will have trained their clerks and self-help centers to assist in this regard (maybe an internal questionnaire), and that courts will have assistance with this important element.</li></ul>	<ul style="list-style-type: none"><li>Courts that commented indicated that training of staff will be needed prior to implementation.</li></ul>
		6. Subsequent filed documents	
		<ul style="list-style-type: none"><li>FLEXCOM does not have specific</li></ul>	<ul style="list-style-type: none"><li>The committees agree that the proposal</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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			<p>recommendations in response to this question, but generally agrees that the rules are sufficient to ensure that no protected information would be in the public court files.</p> <ul style="list-style-type: none"><li>• Having the requesting party prepare a redacted version for the court to approve appears appropriate if this can be done without causing delay.</li></ul> <p>7. Notice to law enforcement FLEXCOM does not have specific comments in response to this question but the proposal to amend forms 110 to notify law enforcement that a confidentiality order has been issued appears to be sound.</p>	<p>provides sufficient guidance to ensure that no protected information would be in the public court files.</p> <ul style="list-style-type: none"><li>• The proposal gives the court flexibility to decide, on a case-by-case basis, who should be responsible for redaction after considering a number of factors, including whether the requestor is capable of preparing redacted documents.</li><li>• The committees will propose this addition in a future cycle and circulate for public comment.</li></ul>
3.	Family Violence Appellate Project (FVAP) by Shuray Ghorishi, Senior Attorney		<p>Does the proposal appropriately address the state purpose?<sup>1</sup> Yes, as recognized, the implementation of the bill is convoluted, but the adoption of the rules and forms will, on balance, make the process of requesting confidentiality of minors' information easier for self-represented litigants, and it will provide for consistency on how the judicial branch processes these requests.</p> <p>However, given the threat of monetary fines for improper disclosure and the narrow scope of</p>	<ul style="list-style-type: none"><li>• The committees also discussed the issue of other persons/entities needing to have</li></ul>



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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			<p>persons with whom confidential information can be shared under Family Code section 6301.5, there is a concern that this confidentiality order may detrimentally impact survivors of domestic abuse, especially survivors who are parents that share a child in common with their abusers. For instance, the statute disregards a broad range of persons who may need the confidential information, including the minor's name, to aid in the enforcement of the protective order, including child-care providers, medical and mental-health providers, and professional and non-professional supervisors for visitation. Additionally, the statute does not contain an intent requirement to impose penalties, increasing the likelihood that they could be awarded against survivors who provide this information to these third parties for their own protection and the protection of their children. And, even worse, abusers may use the threat of penalties as a way to further abuse their victims. Without information about the potential penalties of disclosing the minor's name or other information, it seems plausible that self-represented litigants would make a confidentiality request without understanding these or other repercussions.</p> <p>Accordingly, to mitigate the pragmatic consequences attached to this request, we encourage the Judicial Council to prepare an information sheet that can be distributed with these forms. Although not an exhaustive list, we</p>	<p>confidential information to aid with enforcement of protective orders (e.g. schools and child care providers). The committees concluded that access to information other than those listed in the statute is not permitted under the statute. Concerned stakeholders may want to seek a legislative amendment if it becomes a problem for them.</p> <ul style="list-style-type: none"><li>• The committees agree that a Judicial Council INFO form may be helpful and will consider proposing one in the near future. An information sheet would need to circulate for public comment before implementation, so</li></ul>

## SPR18-35

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Commentator	Position	Comment	Committee Response
		<p>suggest the following information be included: 1) an explanation of what the request to maintain confidentiality of minors' information is; 2) the purpose of the request with references to legislative history – specifically to enable minors themselves to make confidential restraining order requests; 3) legal information regarding the implications of disclosing confidential information to persons who are not law enforcement or the respondent; and 4) an explanation of what “redact” means.<sup>2</sup></p> <p>FOOTNOTES: 1 Given FVAP's expertise in the field of domestic abuse, these comments address the proposed rule and forms related to Domestic Violence Prevention Act matters, although because the proposed rule and forms related to Civil Harassment Orders are nearly identical, some of the comments may also apply to that portion of this proposal.</p> <ul style="list-style-type: none"><li>Although it may be beyond the scope of this question, we also wonder how other entities who need to use the child's name in subsequent civil actions, e.g., the Department of Child Support Services, will discover that a confidentiality order was previously issued in a DVPA proceeding.</li></ul> <p>Service of request form. Should the rules require that the Request to Keep Minor's Information Confidential (form CH-160 or DV-</p>	<p>cannot be completed at this time. In the meantime, information will be made available on the self-help section of <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> before these forms go into effect.</p> <ul style="list-style-type: none"><li>The committees see this as a potential problem with this legislation, but it is outside the purview of the Judicial Council to address it. Concerned stakeholders may want to seek a legislative amendment if it becomes a problem for them.</li></ul>

## SPR18-35

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		<p>160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).) Should service of the request be required whether the court grants or denies the request?</p> <p>No, the Request to Keep Minor's Information Confidential ("Request") should not be served on all parties after it has been ruled on by the court. First, the statute requires only that confidential information be shared with the respondent so they can respond and comply with the request for protective order. The proposed Order on Request to Keep Minor's Information Confidential (form DV-165) and the proposed Notice of Order Protecting Information of Minor (form DV-170) accomplish that purpose. Second, the process is non-adversarial, so service of the Request only adds another burden to self-represented litigants in this cumbersome process.</p> <p>Yet more importantly, service of the Request should absolutely not be required if it is denied. As the legislative history explains, the purpose of the statute is to ensure a process of keeping a minor's information confidential, given the sensitive nature of the information included in these requests. (Sen. Com. on Rules, Analysis of Assem. Bill No. 953 [2017-2018 Reg. Sess.] Sept. 1, 2017, pp. 3-4.) Therefore, the potential for public consumption after a denial would not only defeat that purpose, but also may deter survivors of domestic abuse from seeking the protection they need. Indeed, the mere fact that</p>	<ul style="list-style-type: none"><li>• The committees have concluded that if a request is granted, then the request for confidentiality (CH/DV-160) should be served on the restrained person or both parties, if the requester is not a party, to avoid ex parte communication with the court. However, any information that is made confidential from the restrained person would need to be redacted from form CH/DV-160 prior to service on the restrained person.</li><li>• If a request is denied, and no other action is pending before the court in the case, service of the request for confidentiality (CH/DV-160) should not be served on the parties. However the committees concluded that if a case is ongoing, including an action for a restraining order, a denied request must be served on the restrained person to avoid the existence of ex parte communications which a party could not respond to.</li><li>• The committees agree that the statute contemplates a non-adversarial process therefore service of the request for confidentiality would happen only after a decision has been made, if at all.</li></ul>

## SPR18-35

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			<p>a Request has been filed could inflame a situation that may already be unstable and dangerous. While there is a well-established policy in California to allow maximum public access to judicial proceedings, the purpose of such policy rests upon the exposure of corruption, incompetence, inefficiency, prejudice, favoritism, and the proper operation of the judicial system. (Ass. Com. on Judiciary, Analysis of Assem. Bill No. 953 [2017-2018 Reg. Sess.] April, 25, 2018, pp. 3-4.) Here, there is no public interest in obtaining information in the Request, because keeping the information confidential does not encumber any of these objectives.</p> <p>Confidentiality of order denying request. If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?</p> <ul style="list-style-type: none"><li>• If the Request is denied or deferred for hearing, it should be placed in the court's confidential file because, as explained above, the disclosure of the information thwarts the purpose of the statute and may endanger the safety and well-being of survivors of domestic abuse and their children.</li></ul>	<ul style="list-style-type: none"><li>• The committee believes that the order denying the request for confidentiality should be in the public file, to provide transparency of court rulings. As proposed, forms CH/DV-165, are designed to provide minimal information regarding the requestor in the event the order is denied by the court.</li></ul>

## SPR18-35

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		<p>Reasons for request. Are questions 7a and 7b in the Request to Keep Minor's Information Confidential (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?</p> <ul style="list-style-type: none"><li>• Yes, the questions as currently phrased should elicit sufficient information. However, to better assist self-represented litigants, we encourage the Judicial Council to include an information sheet that provides specific examples of information that could be written in response to these questions.</li></ul> <p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?</p> <ul style="list-style-type: none"><li>• Yes, the proposed rule in DVPA matters strikes the right balance between the delay created by a potential backlog for the court in redacting all documents and</li></ul>	<ul style="list-style-type: none"><li>• The committees agrees that the language proposed (now provided in CH/DV-160, item 6 of the proposal) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing. An information sheet may be developed in a future cycle.</li><li>• See comment above on the information sheet.</li></ul>

## SPR18-35

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			<p>the burden on self-represented litigants. However, an information sheet explaining the meaning of the term redact and examples of redactions could offset the burden on these litigants by making the process more understandable.</p> <ul style="list-style-type: none"><li>• Additionally, to limit any potential delay and to maximize the requesting party's safety and well-being when the request for confidentiality is submitted concurrently with the protective order request, we encourage the Judicial Council to expressly state in proposed Rule 5.382(d)(3)(B) that a court may issue a temporary restraining order prior to redaction. As currently drafted, this subsection only provides that the domestic violence restraining order request may be "filed" after a ruling on the request for confidentiality.</li></ul> <p>Subsequent filed documents. Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?</p>	<ul style="list-style-type: none"><li>• The proposed rule makes clear that a request for restraining order must still be issued within the timeframe provided by existing law. The judicial officer will have to decide who will be able to properly redact the documents within the statutory timeframe.</li></ul>

## SPR18-35

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Commentator	Position	Comment	Committee Response
		<ul style="list-style-type: none"><li>Yes, the use of Cover Sheet for Confidentiality Information (form DV-175) would aid in ensuring that no protected information goes into a public court file. If having the parties prepare a redacted version would decrease any potential delay caused by a backlog, then we would recommend that the parties be required to file a redacted version, though this should be ordered on a case-by-case basis, after the court conducts a brief review of the matter and then determines whether the parties are able to comply with such an order.</li></ul> <p>Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>Yes.</li></ul> <p>Other Comments Additionally, we encourage the following:</p> <ul style="list-style-type: none"><li>Because the confidential conduct may not be directed at the minor, but witnessed by the minor, we suggest Rule 5.382(b)(3) be changed to: “The circumstances surrounding the protective order with respect to the minor. These include, but are not limited to, the allegations in the Request for Domestic Violence Retraining Order (form DV-100) that involve conduct directed, in whole or in part,</li></ul>	<ul style="list-style-type: none"><li>The committees agree that the proposal provides sufficient guidance to ensure that no protected information would be in the public court files.</li><li>The committees agree that some revision will be needed and will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li><li>The committees agree and have incorporated this change in the proposed rules.</li></ul>

## SPR18-35

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		<p>toward the minor; and....”</p> <ul style="list-style-type: none"><li>• An amendment to Rule 5.382(h)(1) that information may be shared with the respondent to allow him or her to respond to the request for the protective order, as this may avoid potential due process problems if a domestic violence restraining order is based on allegations unknown to the respondent. We suggest: “Information about a protected minor must be shared with the respondent only as provided in Family Code section 6301.5(d)(2)., limited to information necessary to allow the respondent to respond to the request for the protective order and to comply with the confidentiality order and the protective order.”</li><li>• Number (8) on proposed form DV-160 prompts the requester to indicate whether he or she would like to withdraw the request if the confidentiality request is denied, but it does not contemplate a situation where a request is made with respect to multiple minors and is not uniformly denied.</li><li>• Although number (8) on proposed DV-160 addresses whether to withdraw the request, we suggest adding another box that states: “If the request is denied, the court may make a decision on my request for restraining orders.”</li><li>• Clarify on proposed form DV-165 that the</li></ul>	<ul style="list-style-type: none"><li>• The committees agree and have incorporated this change in the proposed rules.</li><li>• The committees could not find a way of incorporating this suggestion without making the form more complicated. The proposal includes the option to withdraw a request for restraining order in the event that <i>any</i> portion of the request is denied (partially granted).</li><li>• The committees agree and have incorporated this change in the proposed forms.</li></ul>



## SPR18-35

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			hearing date applies to the decision on the confidentiality request and not to the domestic violence restraining order request.	<ul style="list-style-type: none"><li>The committees agree and have incorporated this change in the proposed forms.</li></ul>
4.	Superior Court of Los Angeles County	N	<p>The stated purpose is to conform with recent statutory changes, but the proposal goes beyond them. Redaction is not mandated by the new law and thus the proposed rule and form changes go beyond the requirements of the Family Code and Code of Civil Procedure in contemplating redaction. The two code sections clearly anticipate a balancing test to determine whether filed documents (e.g., CH-100, TRO, RO) should be kept in a confidential file and only released to law enforcement and the restrained party; but the code sections do not anticipate or mandate redaction – a very burdensome alternative. The rules and forms should not offer court staff redaction as an alternative. A different alternative would be to create two forms for the initial filings of these matters: one explicitly intended to be public; the other containing the minor’s information, along with an explicit request that the form in its entirety be made confidential to law enforcement and the restrained party.</p> <p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed</p>	<ul style="list-style-type: none"><li>The committees believe that a process for redacting confidential information is necessary to comply with the constitutional requirements as provided in <i>NBC Subsidiary (KNBC-TV), Inc. v. Superior Court</i> (1999), which are codified in Family Code section 6301.5(b) and Code of Civil Procedure section 527.6(v). Those provisions provide that a judicial officer may order that information be kept confidential only after making findings that include that the order is narrowly drawn and there is no less restrictive alternative. Such findings are unlikely to be made as to all the information that all parties seek to make confidential. Should a court determine that any of the information in the document with the minor’s information need not be kept confidential, a process such as envisioned in this comment would result in a court having to <i>add</i> information to a publicly filed document, which would be problematic and at least as burdensome as redacting.</li></ul>

## SPR18-35

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			<p>rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?</p> <ul style="list-style-type: none"><li>As stated above, the redaction rules are unworkable and should be revised.</li></ul> <p>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p> <ul style="list-style-type: none"><li>The redaction tasks that would result from this proposal would be a very significant, ongoing burden on the courts.</li></ul>	<ul style="list-style-type: none"><li>See response above.</li><li>The committees agree that the process is complicated but necessary to provide access to the new relief, while complying with the governing statutes..</li></ul>
5.	Superior Court of Orange County	AM	<p>SPR 18-35 creates a rule that makes courts rule on the confidentiality issue prior to filing the request for protective orders. This will allow a method for a party to withdraw the protective order request if the confidentiality was NOT granted. This is problematic in the eFiling world for several reasons:</p> <ol style="list-style-type: none"><li>The request to make minor's information confidential is not a case initiating document. As we can't file the request for protective order until the request is decided upon, we have no way to create a case nor create a hearing in our CMS.</li></ol>	<ul style="list-style-type: none"><li>The request for confidentiality (form CH/DV-160) must be the initiating document for a newly filed case because the court will rule on the request for confidentiality before any other request.</li><li>The committees defer to local courts as to what will work best for their e-filing systems and workflow. The proposal suggested by commentator, to treat newly filed cases that include a request for confidentiality as conditionally confidential until the court rules on the request for confidentiality, seems like a</li></ul>

**Protective Orders: Protecting Information of People Under 18 Years Old** (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

<b>Commentator</b>	<b>Position</b>	<b>Comment</b>	<b>Committee Response</b>
		<p>2) Judges can only see imaged documents in created cases. We would have to print out documents as a workaround and forward them to the courtroom for decision. This actually discourages going paperless.</p> <p>3) If the request for confidentiality is denied, we would have to create several workarounds in the CMS to track workload, as there was never a case we created.</p> <p>4) As we cannot file a case initiating document until a courtroom has their hearing first, this will negatively impact our eFiling turnaround times. The time between the initial eFiling transaction and actual filing will be delayed. EFiling turnarounds has been and continues to be a sensitive issue for all eFiling courts.</p> <p>If we were to offer an alternative, the more prudent solution would be to seal the case upon receiving request for confidentiality and wait until it has been either granted or denied.</p> <p>Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none"> <li>• Yes, but it creates efiling concerns as noted above.</li> </ul> <p>Reasons for request. Are questions 7a and 7b in the Request to Keep Minor's Information Confidential (forms CH-160 and DV-160)</p>	<p>solution that will work for all circumstances, including when a request for confidentiality includes the minor's name.</p>          <ul style="list-style-type: none"> <li>• See response above.</li> </ul>

## SPR18-35

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		<p>sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?</p> <ul style="list-style-type: none"><li>• Yes, questions 7a and 7b appear to be sufficient to elicit the information a court will need to make the required findings. No, additional questions are not needed.</li></ul> <p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?</p> <ul style="list-style-type: none"><li>• The rule appears to preclude the court's discretion to seal all relevant documents as an alternative to redaction. Is that the intent of the rule, or does the court have discretion to seal all relevant documents under certain conditions?</li></ul> <p>Subsequent filed documents. Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court</p>	<ul style="list-style-type: none"><li>• The committees agree that the language proposed (now provided in CH/DV-165, item 6 of the proposal) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing.</li><li>•</li><li>• The commenter is correct. The statute at issue does not provide for sealing an entire record, but instead for making certain information confidential, and doing so by the least restrictive means. Whether it is appropriate to seal all relevant documents in a particular case is for the court to decide, consistent with the four findings that must be made under these provisions or under Cal. Rule of Court 2.550.</li></ul>

## SPR18-35

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Commentator	Position	Comment	Committee Response
		<p>files? Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?</p> <ul style="list-style-type: none"><li>• Yes, the parties should be required to file a redacted version along with the unredacted. This will impose additional staff time to review and redact depending on increase in workload, hence the question noted above.</li></ul> <p>Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>• This court is not able to clarify what notice or information law enforcement may need or require. Suggest the JCC reach out to law enforcement community.</li></ul> <p>What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p>	<ul style="list-style-type: none"><li>• The proposed rules contemplate the judicial officer, not court staff, preparing the redacted version as one of the options under (f). The rules have been revised to clarify this point. The committees believe that the procedures provided under (f) and (g) give courts sufficient flexibility to ensure that no protected information goes into public court files.</li><li>• The committees agree that this revision will be needed but will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li></ul>

**Protective Orders: Protecting Information of People Under 18 Years Old** (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"> <li>Supervisory level staff, training and procedure specialist as well as case processing staff would be required to implement this. The estimated hours would be greater at first to prepare procedures, documentation and training, as well as implement initial system updates. The process would likely require two different staff members to ensure proper redaction. Specialized software may be required to assist in the process. The time required to redact documents on an ongoing basis depends on workload. Cost of implementation for this court could vary from \$10,000 to \$100,000 or more, depending on the factors specified above.</li> </ul> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <ul style="list-style-type: none"> <li>Yes.</li> </ul> <p>How well would this proposal work in courts of different sizes?</p> <ul style="list-style-type: none"> <li>Larger courts have the staff to absorb the impact more so than smaller courts, where a large redaction request could sideline staff for a significant amount of time.</li> </ul>	<ul style="list-style-type: none"> <li>No response required.</li> </ul>          <ul style="list-style-type: none"> <li>The committees agree that three months will be sufficient for implementation.</li> </ul>          <ul style="list-style-type: none"> <li>No response required.</li> </ul>
6.	Superior Court of Orange County	NI	<ul style="list-style-type: none"> <li>If the request for confidentiality is</li> </ul>	<ul style="list-style-type: none"> <li>Under the proposed Rules, the court</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

	Commentator	Position	Comment	Committee Response
	Juvenile and Family Law Division		denied, the requester can seek to withdraw the request for restraining orders. The rule states the court must return the request for restraining order and the accompanying proposed order forms, unfiled. However, we do not have a process in place for withdrawing forms that have already been reviewed by the court. Would it be sufficient to seal that document in our case management system? This would ensure it would not be visible to the public.	would not consider the request for protective orders if the requester has indicated on CH/DV-160 that they wish to withdraw their request for protective orders if the request for confidentiality is denied.

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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	Commentator	Position	Comment	Committee Response
7.	Superior Court of Riverside County	AM	<p>Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none"><li>• Yes</li></ul> <p>Service of request form. Should the rules require that the Request to Keep Minor's Information Confidential (form CH-160 or DV-160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).) Should service of the request be required whether the court grants or denies the request?</p> <ul style="list-style-type: none"><li>• As the request for confidentiality has to be served, the court's order on the request should likewise be served.</li></ul> <p>Confidentiality of order denying request. If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?</p> <ul style="list-style-type: none"><li>• The request should remain in the confidential file until the court has ruled. If the request is denied the requestor should be given a specified,</li></ul>	<ul style="list-style-type: none"><li>• The statute contemplates a non-adversarial process therefore service of the request for confidentiality would happen only after a decision has been made, if at all. The request for confidentiality (CH/DV-160) would be served on the restrained person or both parties, if the requester is not a party, only if the request is granted and there is a pending action before the court. If a request is denied, and no other action is pending before the court in the case, service of the request for confidentiality (CH/DV-160) should not be served on the parties.</li><li>• See response above. Further, the form has been revised to provide more information to the party on this point.</li></ul>



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>albeit, brief period of time to withdraw the request for the protective order. This information should be included on the CH-160 and DV-160 forms. Further, the CH-160 and DV-160 forms should be modified to inform the petitioner that if a request for confidentiality is denied and the petitioner wishes to proceed with the request for a protective order, the request will be maintained in the public file.</p> <p>Reasons for request. Are questions 7a and 7b in the Request to Keep Minor's Information Confidential (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?</p> <ul style="list-style-type: none"><li>• It is far more likely that the court will be provided with the information it needs to make the required findings if self-represented litigants are asked to respond to more specific questions. As presently drafted the forms encourage litigants to provide a narrative that may or may not be relevant to the findings that the court is required to make. We suggest listing each required finding separately, and rewriting them in plain language (it is unlikely that a self-represented litigant will understand the</li></ul>	<ul style="list-style-type: none"><li>• The committees believe that the language proposed (now provided in CH/DV-165, item 6 of the proposal) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing. The findings "less restrictive means" and "narrowly tailored" are essentially legal conclusions that the court must reach and it is hard to identify questions that would not require the party to argue against itself (e.g., "Are there</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>legal concept of “less restrictive means” or “narrowly tailored”).</p> <p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)?</p> <ul style="list-style-type: none"><li>• Yes, Section (f)(3) should be modified to permit law enforcement access to the confidential file to the extent necessary to enforce the order.</li></ul> <p>Subsequent filed documents. Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?</p> <ul style="list-style-type: none"><li>• Yes, if the confidential request is pending or has been granted. Both parties should be required to submit redacted and non-redacted documents.</li></ul>	<p>simpler ways for protecting your privacy interests?”)</p> <ul style="list-style-type: none"><li>• The committees have added that law enforcement will be provided access for enforcement purposes only.</li><li>• Given that most parties are self-represented in these actions, and the court will have to review documents prior to filing of any subsequently filed document, the committees believe that giving the</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>• Yes.</li></ul> <p>What would the implementation requirements be for courts?</p> <ul style="list-style-type: none"><li>• Train staff, revise procedures, create new codes for case management, possibly modification to the case management system.</li></ul> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <ul style="list-style-type: none"><li>• No. Six months would be sufficient.</li></ul> <p>How well would this proposal work in courts of different sizes?</p>	<p>court flexibility to decide who should be responsible for redacting is the best use of court and litigant resources. For example, if the redaction is incorrect, the judicial officer would have to make another copy and correct the redaction or reject the documents for the party to redact again, causing a delay in filing.</p> <ul style="list-style-type: none"><li>• The committees agree that some revision will be needed and will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li><li>• No response required.</li><li>• Given that the law has been in effect since January 1, 2018, the committees believe these forms are necessary to provide access to the new relief and that three months provides sufficient time for implementation.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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	Commentator	Position	Comment	Committee Response
			<ul style="list-style-type: none"><li>Implementation is likely more complex for larger courts.</li></ul>	<ul style="list-style-type: none"><li>No response required.</li></ul>
8.	Superior Court of San Bernardino County	A	Service of request form. Should the rules require that the Request to Keep Minor's Information Confidential (form CH-160 or DV-160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).) <ul style="list-style-type: none"><li>No.</li></ul>	<ul style="list-style-type: none"><li>The statute contemplates a non-adversarial process therefore service of the request for confidentiality would happen only after a decision has been</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>Should service of the request be required whether the court grants or denies the request?</p> <ul style="list-style-type: none"><li>• The Request to Keep Minor's Information Confidential" should not be required to be served if the TRO is denied and the party wishes not to proceed.</li></ul> <p>Confidentiality of order denying request. If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?</p> <ul style="list-style-type: none"><li>• Remain confidential until the Court's ruling.</li></ul>	<p>made, if at all. The committees have concluded that the request for confidentiality (CH/DV-160) would be served on the restrained person or both parties, if the requester is not a party, only if the request is granted and there is a pending action before the court. If a request is denied, and no other action is pending before the court in the case, service of the request for confidentiality (CH/DV-160) should not be served on the parties.</p> <ul style="list-style-type: none"><li>• See response above.</li><li>• The committees believe that the order denying the request for confidentiality should be in the public file, to provide transparency of court rulings. As</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>Reasons for request.</p> <p>Are questions 7a and 7b in the Request to Keep Minor's Information Confidential (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?</p> <ul style="list-style-type: none"><li>• The proposed rules seem to provide sufficient guidance and flexibility for the courts and parties.</li></ul> <p>Re Form CH-160</p> <ul style="list-style-type: none"><li>• If on paragraph 5, the Petitioner requests that the minor's address be kept confidential (from the public) and the Petitioner also requests that this address be kept confidential from the restrained person, how is this effectuated when the Restrained person will receive a copy of the Request if it is granted. In this situation, it will be necessary to direct the clerk or Judge to redact the information (minor's address) prior to filing the Request on the restrained party.</li></ul>	<p>proposed, forms CH/DV-165, are designed to provide minimal information regarding the requestor in the event the order is denied by the court. If a request to keep minor's information confidential is granted, then any information that is made confidential must be redacted from the order before it can be filed publicly.</p> <ul style="list-style-type: none"><li>• The committees agree.</li><li>• The committees agree that the request to be served on the restrained person would have to be redacted prior to filing and service (contained at (f)(4) of the proposed rules).</li></ul>

**Protective Orders: Protecting Information of People Under 18 Years Old** (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

Commentator	Position	Comment	Committee Response
		<ul style="list-style-type: none"> <li>Some have said that the restrained person needs to know the minor's address in order to make the Order enforceable but that may not always be the case. If the Order is directed to a restrained person to stay away from the minor's address and by chance, the restrained person is at the address (not knowing it belongs to the minor) there is no violation until s/he learns of that situation and does not leave.</li> </ul> <p>Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?</p> <ul style="list-style-type: none"> <li>The proposed rules seem to provide sufficient guidance and flexibility for the courts and parties.</li> </ul> <p>Subsequent filed documents. Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Should the parties be required to file a redacted version along with the</p>	<ul style="list-style-type: none"> <li>Whether the restrained person must be provided with an address if a party has requested it be kept confidential will be up to the judicial officer.</li> <li>The committees agree that the proposed rules provide sufficient guidance and flexibility to work well for the courts and parties.</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?</p> <ul style="list-style-type: none"><li>The parties should be required to file both an original version as well as the redacted version.</li></ul> <p>Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>Yes.</li></ul> <p>What would the implementation requirements be for courts?</p> <ul style="list-style-type: none"><li>For example, training staff (please identify position and expected hours of</li></ul>	<ul style="list-style-type: none"><li>Given that most parties are self-represented in these actions, and the court will have to review documents prior to filing of any subsequently filed document, the committees believe that giving the court flexibility to decide who should be responsible for redacting is the best use of court and litigant resources. For example, if the redaction is incorrect, the judicial officer would have to make another copy and correct the redaction or reject the documents for the party to redact again, causing a delay in filing.</li><li>The committees believe that some revision will be needed but will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li><li>No response required.</li></ul>



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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	Commentator	Position	Comment	Committee Response
			<p>training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p> <p>This would require training of Legal Processing Assistants, Judicial Assistants, and Operation Supervisor I's not to exceed 8 hours overall along with revising procedures manuals.</p> <p>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</p> <ul style="list-style-type: none"><li>• Yes.</li></ul>	<ul style="list-style-type: none"><li>• The committees agree that three months will be sufficient time to implement this proposal.</li></ul>
9.	Superior Court of San Diego County by Mike Roddy, Court Executive Officer	AM	<p>Q: Does the proposal appropriately address the stated purpose?</p> <ul style="list-style-type: none"><li>• Yes.</li></ul> <p>Q: Service of request form. Should the rules require that the Request to Keep Minor's Information Confidential (form CH-160 or DV-160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).)</p> <ul style="list-style-type: none"><li>• Yes, the rules should require at the very least that the Request be served on all parties after it has been ruled on by the court. The concern is that it does not appear Family Code section 6301.5</li></ul>	<ul style="list-style-type: none"><li>• The committees agree.</li><li>• The committees believe that the statute contemplates a non-adversarial process therefore service of the request for confidentiality would happen only after a decision has been made, if at all. The</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>authorizes the court to rule on the request without any notice being given to the other party, or to both parties if the request is by a non-party minor. Also, California Rule of Court, rule 2.551 regarding procedures for filing records under seal does not exempt notice of the request to file under seal. It would seem that the court would at least need to approve a request for waiver of notice by the requesting party for good cause - which should not be difficult to do.</p> <p>Should service of the request be required whether the court grants or denies the request?</p> <ul style="list-style-type: none"><li>• Yes, service of the request should be required whether the court grants or denies the request.</li></ul> <p>Q: Confidentiality of order denying request. If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?</p> <ul style="list-style-type: none"><li>• Yes, the order denying the request should be placed in the public file. Additionally, why would the CH/DV-160 be placed in the confidential file, if</li></ul>	<p><i>Request to Keep Minor's Information Confidential</i> (CH/DV-160) would only be served on the party or parties if the request is granted and if the request is denied but there is still an action pending before the court (e.g. requestor elects to proceed with the request for restraining order).</p> <ul style="list-style-type: none"><li>• Same response as above.</li><li>• The committees agree that an order denying the request (page 1 of CH/DV-165) should be filed in the public file. The committees believe that maintaining the</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>the court does not grant the request?</p> <p>Q: Reasons for request. Are questions 7a and 7b in the Request to Keep Minor's Information Confidential (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?</p> <ul style="list-style-type: none"> <li>Questions 7a and 7b do not address the third and fourth findings (order "narrowly tailored" and "no less restrictive means"), but it might be difficult to craft questions for the requester that will elicit the information – on a written form – that the court needs to make those findings. Our court suggests adding another question, 7c, re: What, if any, are other less restrictive ways to protect the minor's privacy?</li> </ul> <p>Q: Redaction of confidential information. In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and</p>	<p><i>Request to Keep Minor's Information Confidential</i> in a public file would have a chilling effect and work against the purpose of this statute.</p> <ul style="list-style-type: none"> <li>The committees believe that the language proposed (now provided in CH/DV-165, item 6 of the proposal) will be sufficient to elicit information needed to make a determination in most cases. If the court needs additional information from the requester, the court may set the matter for hearing. The findings "less restrictive means" and "narrowly tailored" are essentially legal conclusions that the court must reach and it is hard to identify questions that would not require the party to argue against itself (e.g., "Are there simpler ways for protecting your privacy interests?")</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>the parties (mostly self-represented parties)?</p> <ul style="list-style-type: none"><li>No, requiring the court to review documents prior to filing may not be feasible given the short time frame in which restraining orders are scheduled and heard.</li></ul> <p>Are there better ways to handle this process?</p> <ul style="list-style-type: none"><li>The onus of redacting documents should fall on the parties.</li></ul> <p>Q: Subsequent filed documents. Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Court review prior to filing does not appear to be feasible for TRO related filings as responses may be filed and served up to two days prior to the hearing.</p> <p>Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?</p> <ul style="list-style-type: none"><li>Yes, parties should submit both redacted and unredacted versions. Each party will be served with a copy of the Order on Request to Keep Minor's Information Confidential, so the onus</li></ul>	<ul style="list-style-type: none"><li>The committees believe that court review is necessary in order to protect confidential information.</li><li>Given that most parties are self-represented in these actions, and the court will have to review documents prior to filing, the committees believe that giving the court flexibility to decide who should be responsible for redacting is the best use of court and litigant resources. For example, if the redaction is incorrect, the judicial officer would have to make another copy and correct the redaction or reject the documents for the party to redact again, causing a delay in filing.</li><li>Same response as above.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>on redacting documents should fall on the party submitting the documents.</p> <ul style="list-style-type: none"><li>Any issues regarding the failure to redact documents can be dealt with at the hearing on the underlying issue.</li></ul> <p>Q: Notice to law enforcement. Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?</p> <ul style="list-style-type: none"><li>Yes.</li></ul> <p>Q: What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.</p> <ul style="list-style-type: none"><li>Training staff, attorneys, drafting or changing docket codes (if used), printing and distribution of new forms, accommodating additional hearings, creating or revising any written internal procedures, training staff (operations clerks and courtroom clerks), and adding new filings to case management systems.</li></ul> <p>Q: Would three months from Judicial Council approval of this proposal until its effective date</p>	<ul style="list-style-type: none"><li>This would not be feasible if the confidential information has already been made public or if there is information that the court makes confidential from the restrained person.</li><li>The committees believe that this revision will be needed but will propose it in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li><li>No response required.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>provide sufficient time for implementation?</p> <ul style="list-style-type: none"><li>• Yes, but more time may be needed for thorough training of court staff.</li></ul> <p>Q: How well would this proposal work in courts of different sizes?</p> <ul style="list-style-type: none"><li>• It appears that the proposal would work for courts of various sizes. However, depending on the number of requests that are granted, this could have a significant impact on workload if the court is required to review all documents for compliance with the order prior to filing.</li></ul> <p>Rule 3.1161</p> <ul style="list-style-type: none"><li>• Subd. (a), second sentence: Wherever used in this rule, “parent” refers only to a parent who is a legal guardian. Comment -- The phrase “a parent who is a legal guardian” might be confusing to some. In other contexts, e.g., juvenile dependency and adoptions, a parent and a legal guardian cannot be the same person. That is, a legal guardian is by definition a nonparent who has been vested by the court with legal rights and responsibilities similar to those of a parent.</li></ul>	<ul style="list-style-type: none"><li>• Given that the law has been in effect since January 1, 2018, the committees believe these forms are necessary to provide access to the new relief and that three months provides sufficient time for implementation.</li><li>• No response required.</li></ul> <p>Instead of defining “parent” in the proposed rules, the committees have included a definition of “legal guardian” consistent with the definition of “legal guardian” found in Family Code section 6903.</p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>Is the phrase meant to exclude a parent who does not have legal custody of the minor? If so, is such a parent necessarily prohibited from requesting confidentiality for the minor? Or is the phrase merely intended to align the rule with CCP 527.6(v) (“minor or the minor’s legal guardian”)?</p> <p>Perhaps, because “parent” is always followed by “or legal guardian” throughout the rule (subds. (b)(4), (c)(1) &amp; (2), et al.), this sentence is more confusing than helpful and should be deleted.</p> <ul style="list-style-type: none"><li>Subd. (d)(3)(A): Change “an order of” to “a request for”; change “adversary” to “adversarial.” “The court must determine whether to grant <del>an order of a</del> <u>request for confidentiality</u> without requiring that any notice of the request be given to the other party, or both parties if the minor is not a party in the proceeding. No <del>adversary</del> <u>adversarial</u> hearing is to be held.’</li><li>Subd. (d)(4): Change “order” to “request.” (Alternatively, change “granting” to “issuing.”) If the court finds that the request for confidentiality is insufficiently specific to meet the requirements under Code of Civil Procedure section 527.6(v)(2) for</li></ul>	<ul style="list-style-type: none"><li>The committees agree and have made this change.</li><li>The committees agree and have made this change.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>granting the <del>order</del> request, the court may take testimony from the minor, the minor's parent or legal guardian, the person requesting a protective order, or other competent witness, in a closed hearing in order to determine if there are additional facts that would support granting the <del>order</del> request.'</p> <ul style="list-style-type: none"><li>• Subd. (e)(2)(B): Change "an order requesting" to "a request for." 'If the court grants <del>an order requesting a request for</del> confidentiality of the minor's name and: . . .'</li><li>• Subd. (e)(2)(B)(i): Change "party's name" to "parties' names." 'If the minor is a party to the action, the court must use the initials of the minor. In addition, the court must use only initials to identify both parties to the action if using the other <del>party's name</del> <u>parties' names</u> would likely reveal the identity of the minor. '</li><li>• Subd. (e)(2)(B)(ii): Insert "minor's" and "and." 'If the minor is not a party to the action, the court must not include any information that would likely reveal the identity of the minor, including the <u>minor's</u> name, age, <u>and</u> gender, and whether the minor lives with the person making the request for confidentiality.'</li></ul>	<ul style="list-style-type: none"><li>• The committees agree and have made this change.</li><li>• The committees agree and have made this change.</li><li>• The committees have redrafted this section.</li></ul>



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<ul style="list-style-type: none"><li>Subd. (e)(2)(C): Change “an order requesting” to “a request for.” ‘If the court grants <del>an order requesting a</del> <u>request for</u> confidentiality, the order must specifically identify the information about the minor ...’</li><li>Subd. (e)(2)(E)(i): For consistency with subd. (d)(3)(C)(ii) &amp; (iii). Also, if the request for confidentiality is denied, there is no need to keep the request for confidentiality in a confidential file. ‘The order denying confidentiality must be <u>filed and maintained</u> in a public file. <del>The request for confidentiality must be filed and maintained in a confidential file.</del>’</li><li>Subd. (f) heading: Change “order” to request.” ‘Procedures to protect confidential information when <del>order</del> <u>request</u> is granted</li><li>Subd. (f)(2): For consistency with subd. (d)(3)(C)(ii) &amp; (iii). ‘The redacted copy or copies must be <u>filed and maintained</u> in a public file, and the original unredacted copy or copies must be <u>filed and maintained</u> in a confidential file.’</li><li>Subd. (g) heading: Change “Standards</li></ul>	<ul style="list-style-type: none"><li>The committees agree and have made this change.</li><li>The committees have redrafted this section as subd. (e)(3)(A). However, the committees believe that maintaining the <i>Request to Keep Minor’s Information Confidential</i> in a public file would have a chilling effect and work against the purpose of this statute.</li><li>The committees have made this change</li><li>The committees have made this change.</li><li>The committees have made this change</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>for” to “Factors in” and insert “redaction.” <del>Standards for</del> <u>Factors in</u> selecting <u>redaction</u> procedures</p> <ul style="list-style-type: none"> <li>Subd. (g)(5): It appears that the rule should either replace the word “orders” with “allegations” or reference the Temporary Restraining Order (CH-110) instead of the Request (CH-100), as the CH-100 does not contain orders. (<i>Same comment applies to 5.382(g)(5) DV-110 instead of DV-100</i>)</li> <li>Subd. (i)(1)(B)(i): Change “those” to “the procedures.” ‘Order a procedure for redaction consistent with <del>those</del> <u>the procedures</u> stated in (f);’</li> <li>Subd. (i)(2)(B): Insert “(form CH-165).” ‘The minor or person making the request for confidentiality and any person who has been served with a notice of confidentiality must submit a copy of the order of confidentiality (<u>form CH-165</u>) in any other civil case involving the same parties’.</li> <li>Advisory Committee Comment, first paragraph, second sentence: The reference to “The form” is unclear. Would it be more precise to say, “The <u>restraining order</u> does not require the</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision (g)(5) references “orders on the request” because the order may be reflected on forms CH/DV 109 or 110, or both.</li> <li>The committees have made this change</li> <li>The committees have made this change</li> <li>The committees have addressed this comment by changing “The form” to “The restraining order forms.”</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>address of a nonpetitioning minor”?</p> <p>Rule 5.382</p> <p>Subd. (a), second sentence: Wherever used in this rule, “parent” refers only to a parent who is a legal guardian.</p> <p>Comment -- The phrase “a parent who is a legal guardian” might be confusing to some. In other contexts, e.g., juvenile dependency and adoptions, a parent and a legal guardian cannot be the same person. That is, a legal guardian is by definition a <u>nonparent</u> who has been vested by the court with legal rights and responsibilities similar to those of a parent.</p> <p>Is the phrase meant to exclude a parent who does not have legal custody of the minor? If so, is such a parent necessarily prohibited from requesting confidentiality for the minor? Or is the phrase merely intended to align the rule with CCP 527.6(v) (“minor or the minor’s legal guardian”)?</p> <p>Perhaps, because “parent” is always followed by “or legal guardian” throughout the rule (subds. (b)(4), (c)(1) &amp; (2), et al.), this sentence is more confusing than helpful and should be deleted.</p> <p>Subd. (d)(3)(A): Change “an order of” to “a request for”; change “adversary” to</p>	<p>The commentator submitted these same suggestions for Rule 3.1161, therefore the responses for Rule 5.382 are the same responses provided for Rule 3.1161.</p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>“adversarial.”</p> <p>The court must determine whether to grant <del>an order of a request for</del> confidentiality without requiring that any notice of the request be given to the other party, or both parties if the minor is not a party in the proceeding. No <del>adversary</del> <u>adversarial</u> hearing is to be held.</p> <p>Subd. (d)(3)(C)(iii): The subsection should be deleted. If the court does not find cause to make the minor’s information confidential, why would the request be placed in the confidential file instead of the public file?</p> <p>Subd. (d)(4): Change “order” to “request.” (Alternatively, change “granting” to “issuing.”)</p> <p>If the court finds that the request for confidentiality is insufficiently specific to meet the requirements under Family Code section 6301.5(b) for granting the <del>order request</del>, the court may take testimony from the minor, the minor’s parent or legal guardian, the person requesting a protective order, or other competent witness, in a closed hearing in order to determine if there are additional facts that would support granting the <del>order request</del>.</p> <p>Subd. (e)(2)(B): Change “an order requesting” to “a request for.”</p> <p>If the court grants <del>an order requesting a request</del></p>	<p>(The commentator submitted the same suggestions for Rule 3.1161, therefore the responses for Rule 5.382 are the same responses provided for Rule 3.1161.)</p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p><u>for confidentiality</u> ...</p> <p>Subd. (e)(2)(B)(i): Change “party’s name” to “parties’ names.”</p> <p>... In addition, the court must use only initials to identify both parties to the action if using the other <del>party’s name</del> <u>parties’ names</u> would likely reveal the identity of the minor.</p> <p>Subd. (e)(2)(B)(ii): Insert “minor’s” and “and.”</p> <p>If the minor is not a party to the action, the court must not include any information that would likely reveal the identity of the minor, including the <u>minor’s</u> name, age, <u>and</u> gender, and whether the minor lives with the person making the request for confidentiality.</p> <p>Subd. (e)(2)(C): Change “an order requesting” to “a request for.”</p> <p>If the court grants <del>an order requesting</del> <u>a request for confidentiality</u>, the order must specifically identify the information about the minor ...</p> <p>Subd. (e)(2)(D): Delete the second sentence. If an unredacted copy of form DV-160 is served on the restrained person, he or she will have access to all of the information supplied by the requester in item 6 (“Information to Be Kept Confidential From the Restrained Person”) and item 7 (“Reasons for Request”). Some or all of this information might or might not be “necessary [for the Restrained Person] to</p>	

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>comply with the restraining order and to respond to the restraining order request.”</p> <p>However, any information the Restrained Person needs to comply with the RO or respond to the RO request will be provided when the <del>CH</del>DV-165 (Order) is served on him or her.</p> <p>(See proposed subd. (f)(3).)</p> <p>Subd. (e)(2)(E)(i): For consistency with subd. (d)(3)(C)(ii) &amp; (iii).</p> <p>The order denying confidentiality must be <u>filed and maintained</u> in a public file. <del>The request for confidentiality must be filed and maintained in a confidential file.</del></p> <p>Subd. (f) heading: Change “order” to request.”</p> <p>Procedures to protect confidential information when <del>order</del> <u>request</u> is granted</p> <p>Subd. (f)(2): For consistency with subd. (d)(3)(C)(ii) &amp; (iii).</p> <p>The redacted copy or copies must be filed <u>and maintained</u> in a public file, and the original unredacted copy or copies must be filed <u>and maintained</u> in a confidential file.</p> <p>Subd. (g) heading: Change “Standards for” to “Factors in” and insert “redaction.”</p> <p><del>Standards for</del> <u>Factors in</u> selecting <u>redaction</u> procedures</p>	

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>Subd. (g)(5): It appears that the rule should either replace the word “orders” with “allegations” or reference the Temporary Restraining Order (DV-110) instead of the Request (DV-100), as the DV-100 does not contain orders.</p> <p>Subd. (i)(1)(B)(i): Change “those” to “the procedures.”</p> <p>Order a procedure for redaction consistent with <del>those</del> <u>the procedures</u> stated in (f);</p> <p>Subd. (i)(2)(B): Insert “(form DV-165).”</p> <p>The minor or person making the request for confidentiality and any person who has been served with a notice of confidentiality must submit a copy of the order of confidentiality <u>(form DV-165)</u> in any other civil case involving the same parties.</p> <p>Form CH-160</p> <p>Notice and Instructions: Is there a possible conflict between “<i>The other party in this case will have access to this form</i>” and “<i>You may also use this form to ask that information be kept confidential from the restrained person</i>” if the “other party” is the same individual as “the restrained person”? In such cases, this might deter the requester from supplying the information requested in items 6 and 7.</p> <p>Page 2, Item 3.b.: Change “Your” to “You,”</p>	<ul style="list-style-type: none"><li>• The committees have revised the Notice and Instructions section of CH/DV-160 to make them more user friendly for SRL. The form currently provides answers to the questions: When do I use this form? What if there is information I don’t want the restrained person to have? And, Who will see this form?</li><li>• The committees have incorporated this</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>insert “your.” <del>‘Your</del> <i>You do not have to give your telephone, fax, or e-mail.</i>.’</p> <p>Pages 2 and 4, Items 5 and 6, heading: Lower case “f” in “From.” (Cal. Style Manual, § 4:9.)</p> <p>Pages 3, 4, and 5, left footers: Change “Revised” to “New.”</p> <p>Page 4, Item 7, first bullet point: Suggested edit. ‘The minor’s right to privacy overcomes the <u>public’s</u> right of <del>the public</del> access to the information;’</p> <p>Page 4, Item 7, second paragraph: Delete the second period after “below.”</p> <p>Page 4, Item 7a: Change “checked” to “provided.” Item 5 includes blank lines for written responses as well as checkboxes. ‘Why should the information <del>checked</del> <u>provided</u> in item 5 be kept private or confidential?’</p> <p>Page 5, Item 8: In heading, insert “I want to” and a period at the end of the sentence. Consider suggested edits. ‘If the request for confidentiality is denied, <u>I want to</u> withdraw the request for restraining orders. <i>(This can <del>only</del> be requested <u>only</u> by <u>the person asking for a</u> restraining order <i>(the person in item 1 on Form CH-100).</i>)</i>’ If <u>this</u> request to keep information confidential is DENIED, I ask the court to not make a decision on my request for <u>a</u> restraining</p>	<p>change.</p> <ul style="list-style-type: none"> <li>• A lower case “f” is consistent with the Judicial Council style guide.</li> <li>• The committees have incorporated this change.</li> <li>• The language in this section tracks the exact language from the Ab 953.</li> <li>• The committees have incorporated this change.</li> <li>• The committees have incorporated this change.</li> <li>• The committees have incorporated some of these changes but also further redrafted this item.</li> </ul>



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.</p> <p>Form CH-165</p> <p>Page 1, Item 2: Change “and” to “or.” <i>‘Court will complete item 3 if request is denied <del>and</del> or items 4-13 if request is granted or partially granted.’</i></p> <p>Page 1, Item 3: Insert “the.” (See, e.g., items 4a and 4b.) ‘The request to keep <u>the</u> information of a minor or minors confidential is denied.’ Our court suggests deleting the second box under DENIED as the box makes it appear that the court has discretion on whether the person requesting the restraining order may withdraw their request which conflicts with 3.1161(d)(3)(C).</p> <p>Page 2, Item 5a: Suggested edit. ‘The right to privacy of the minors listed in item 6 overcomes the <u>public’s</u> right of <del>the public</del> access to the information;’</p> <p>Pages 2 and 4, Items 8 and 9, heading: Lower case “f” in “From.” (Cal. Style Manual, § 4:9.)</p> <p>Page 3, Item 8b: Insert “the.” ‘The following addresses of <u>the</u> minors listed in item 6...’</p> <p>Page 3, Item 8c: Change “Attachment 8” to “Attachment 8c” (attachments might be necessary for items 8a, 8b, or 8d).</p>	<ul style="list-style-type: none"> <li>• The committees have made this change.</li> <li>• The committees have made changes to item 3 of CH/DV-165 to make it consistent with the sections of the request form (CH/DV-160, items 7 and 8(d)). The court will indicate on form CH/DV-165 whether the requester has elected to cancel or move forward with the request for restraining order.</li> <li>• The requested change was made.</li> <li>• Lower case “f” is consistent with the Judicial Council style guide.</li> <li>• The committees have incorporated this change.</li> <li>• All additional information for item 8 can be on a single attachment.</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>Page 5, item 13c(1): Change “behind” to “underneath it.” (Form CH-170 should be the first page with all others stapled <del>behind</del> underneath it.)’</p> <p>Page 5, item 13c(5): Delete (5) and renumber (6) – (8). If an unredacted copy of form CH-160 is served on the restrained person, he or she will have access to all of the information supplied by the requester in item 6 (“Information to Be Kept Confidential From the Restrained Person”) and item 7 (“Reasons for Request”). Some or all of this information might or might not be “necessary [for the Restrained Person] to comply with the restraining order and to respond to the restraining order request.” However, any information the Restrained Person needs to comply with the RO or respond to the RO request will be provided when the CH-165 (Order) is served on him or her.</p> <p>Page 5, Instructions to Clerk: Our court suggests including more of the items listed in item 11 (“Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case”). “The original copy of all unredacted documents containing the information checked in item 8 must be <u>kept in a confidential file, and the information provided in item 8 must NOT appear in:</u></p> <p style="text-align: center;">• <del>Kept in a confidential file;</del></p>	<ul style="list-style-type: none"><li>• This change has been made.</li><li>• This section of the form has been changed to include a check box for a redacted version of CH/DV-160 and CH/DV-165, and a checkbox for an unredacted copy thereby eliminating any confusion.</li><li>• The committees have incorporated this change.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<ul style="list-style-type: none"> <li>• <del>Must NOT appear in</del> any register of actions;</li> <li>• <del>Must NOT appear in</del> any <u>court</u> calendar; <del>and</del></li> <li>• <del>Must NOT appear in</del> any index;</li> <li>• <u>any court transcripts; and</u></li> <li>• <u>any minute orders.</u></li> </ul> <p>Any information listed in item 9b must be sealed and filed in a confidential file.'</p> <p>Form CH-170</p> <p>Item 1: Suggested edits. 'Confidential information <del>must</del> <u>ONLY</u> <u>may</u> be given <u>ONLY</u> to law enforcement to enforce the restraining order <u>(attached Form CH-110).</u>'</p> <p>Item 3 heading: Upper case "D" in "Documents."</p> <p>Item 3: Insert comma before "you MUST" and insert "on that document." Consider suggested edits in first sentence for clarity. 'If you file any document <u>that contains confidential information</u> in this case or <u>any other civil case that contains any confidential information</u>, you MUST also use Form CH-175 as a cover sheet <u>on that document</u>. See Form CH-165, item 8 for all information made confidential by the court.'</p> <p>Instructions to Clerk: Suggest changing "the</p>	<ul style="list-style-type: none"> <li>• The committees have incorporated this change.</li> <li>• The committees have incorporated this change.</li> <li>• The committees have incorporated this change except for the suggestion "on that document."</li> <li>• The committees have incorporated this</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>parties” to “any party” and changing “any form or set of forms” to “the document or set of documents.” ‘When providing copies of unredacted filed documents to <del>the parties</del> <u>any party</u>, you must attach this cover sheet on top of <del>any form or set of forms</del> <u>the document or set of documents</u>. Complete item 2 to indicate the forms that are attached.’</p> <p>Center footer: Lower case “o” in “of” – “Notice of Order ...” (Cal. Style Manual, § 4:9.)</p> <p>Form CH-175</p> <p>Instructions to Parties, last sentence: Change “it” to “them” and insert “the” before “court.” Consider adding “(both copies).” ‘Complete this form, place it on top of the documents you want to file <u>(both copies)</u>, and file <del>it</del> <u>them</u> with <u>the</u> court.’</p> <p>If the committee’s intention is to file the unredacted version and provide a copy to the filing party prior to judicial review, we propose moving # 3 to # 1. This will make it clearer to the clerk that judicial review of the unredacted version is not required before filing.</p> <p>Form DV-109</p> <p>Page 1, Item 4b: Change “<i>Civil Harassment</i>” to “<i>Domestic Violence</i>” and delete “s” from “<i>Orders</i>.” ‘Reasons for denial of some or all of those personal conduct and stay-away orders as requested in Form DV-100, <i>Request for Civil</i></p>	<p>change.</p> <ul style="list-style-type: none"><li>• The committees have incorporated this change.</li><li>• The committees have incorporated these changes to the Instructions to Parties.</li><li>• Rules 3.1160(i)(1) and 5.382(i)(1) provide the rules for how to handle document filed after a confidentiality order has been issued.</li><li>• The committees have incorporated this change.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p><del>Harassment</del> <u>Domestic Violence</u> Restraining Orders, are:’</p> <p>Page 2, Item 5b: Change “The” to “Any.” ‘<del>The</del> <u>Any</u> disclosure or misuse of the information is punishable ...’</p> <p>Page 2, Item 6 heading: Lower case “t” in “The” – “the Person in 1.” (Cal. Style Manual, § 4:9.)</p> <p>Page 2, Items 6a, 6c, 6d: Change “<i>Civil Harassment</i>” to “<i>Domestic Violence</i>” and delete “s” from “Orders.” Item 6e: Delete “<i>of Response</i>.”</p> <p>a. DV-100, <i>Request for <del>Civil Harassment</del> Domestic Violence Restraining Orders</i> (file-stamped)</p> <p>b. DV-110, <i>Temporary Restraining Order</i> (file-stamped) IF GRANTED</p> <p>c. DV-120, <i>Response to Request for <del>Civil Harassment</del> Domestic Violence Restraining Orders</i> (blank form)</p> <p>d. DV-120-INFO, <i>How Can I Respond to a Request for <del>Civil Harassment</del> Domestic Violence Restraining Orders?</i></p> <p>e. DV-250, <i>Proof of Service <del>of Response</del> by Mail</i> (blank form)</p> <p>Page 3, third bullet point: For “INFO,” change</p>	<ul style="list-style-type: none"> <li>The committees have not incorporated this change.</li> <li>This change has been made.</li> <li>The form titles have been corrected to reflect the actual titles of each of the forms listed in item 6.</li> <li>The committees have incorporated this change.</li> </ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>italics to Roman – “DV-115-INFO”</p> <p>Page 3, fourth bullet point: Delete “s” from “<i>Orders</i>.”</p> <p>Page 3, fifth bullet point: Delete “<i>of Response</i>.” <i>Proof of Service of Response by Mail</i></p> <p>Form DV-160</p> <p>Notice and Instructions: Is there a possible conflict between “<i>The other party in this case will have access to this form</i>” and ‘<i>You may also use this form to ask that information be kept confidential from the restrained person</i>’ if the “other party” is the same individual as “the restrained person”? In such cases, this might deter the requester from supplying the information requested in items 6 and 7.</p> <p>Page 2, Item 3.b.: Insert “your.” ‘<i>You do not have to give <u>your</u> telephone, fax, or e-mail.</i>’</p> <p>Pages 2 and 4, Items 5 and 6, heading: Lower case “f” in “From.” (Cal. Style Manual, § 4:9.)</p> <p>Pages 3, 4, and 5, left footers: Change “Revised” to “New.”</p> <p>Page 4, Item 7, first bullet point: Suggested edit. ‘The minor’s right to privacy overcomes the <u>public’s</u> right of the public access to the information;’</p>	<ul style="list-style-type: none"> <li>The committees have incorporated this change.</li> <li>The committees have incorporated this change.</li> </ul> <p><i>The commentator submitted the same comments on form CH-160 as the comments here on form DV-160. The committees’ responses to these comments are the same as their response to the comments above on form CH-160.</i></p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>Page 4, Item 7a: Change “checked” to “provided.” Item 5 includes blank lines for written responses as well as checkboxes. ‘Why should the information <del>checked</del> <u>provided</u> in item 5 be kept private or confidential?’</p> <p>Page 5, Item 8: In heading, insert “I want to” and a period at the end of the sentence. Consider suggested edits. ‘If the request for confidentiality is denied, <u>I want to</u> withdraw the request for restraining orders. <i>(This can <del>only</del> be requested <u>only</u> by <u>the</u> person asking for a restraining order (the person in item 1 on Form DV-100).)</i> If <del>the</del> <u>this</u> request to keep information confidential is DENIED, I ask the court to not make a decision on my request for a restraining orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.’</p> <p><u>Form DV-165</u></p> <p>Page 1, Item 2: Change “and” to “or.” ‘Court will complete item 3 if request is denied <del>and</del> <u>or</u> items 4-13 if request is granted or partially granted.’</p> <p>Page 1, Item 3: Insert “the.” (See, e.g., items 4a and 4b.) ‘The request to keep <u>the</u> information of a minor or minors confidential is denied.’</p> <p>Our court also suggests deleting the second box under DENIED as the box makes it appear that the court has discretion on whether the person requesting the domestic violence restraining</p>	<p><i>The commentator submitted the same comments on form CH-165 as the comments here on form DV-165. The committees’ responses to these comments are the same as their response to the comments above on form CH-1650.</i></p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>order may withdraw their request which conflicts with 5.382(d)(3)(C).</p> <p>Page 2, Item 5a: Suggested edit. ‘The right to privacy of the minors listed in item 6 overcomes the <u>public’s</u> right of <del>the public</del> access to the information;’</p> <p>Pages 2 and 4, Items 8 and 9, heading: Lower case “f” in “From.” (Cal. Style Manual, § 4:9.)</p> <p>Page 3, Item 8b: Insert “the.” ‘The following addresses of <u>the</u> minors listed in item 6...’</p> <p>Page 3, Item 8c: Change “<i>Attachment 8</i>” to “<i>Attachment 8c</i>” in case attachments are necessary for items 8a, 8b, or 8d.</p> <p>Page 5, item 13c(1): Change “behind” to “underneath it” and insert period at end. ‘(Form CH-170 should be the first page with all others stapled <del>behind</del> <u>underneath it</u>.)’</p> <p>Page 5, item 13c(5): Delete (5) and renumber (6) – (8). If an unredacted copy of form DV-160 is served on the restrained person, he or she will have access to all of the information supplied by the requester in item 6 (“Information to Be Kept Confidential From the Restrained Person”) and item 7 (“Reasons for Request”). Some or all of this information might or might not be “necessary [for the Restrained Person] to comply with the restraining order and to respond to the restraining order request.” However, any</p>	



## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>information the Restrained Person needs to comply with the RO or respond to the RO request will be provided when the DV-165 (Order) is served on him or her.</p> <p>Page 5, Instructions to Clerk, paragraph 1: Suggest including more of items listed in item 11 (“Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case”).</p> <p>‘The original copy of all unredacted documents containing the information checked in item 8 must be <u>kept in a confidential file, and the information provided in item 8 must NOT appear in:</u></p> <ul style="list-style-type: none"><li>• <del>Kept in a confidential file;</del></li><li>• <del>Must NOT appear in</del> any register of actions;</li><li>• <del>Must NOT appear in</del> any <u>court</u> calendar; <del>and</del></li><li>• <del>Must NOT appear in</del> any <u>index</u>;</li><li>• <u>any court transcripts; and</u></li><li>• <u>any minute orders.’</u></li></ul> <p>Page 5, Instructions to Clerk, paragraph 2: Change “10(b)” to “9(b)” and change “DV-170” to “DV-175.” ‘2. If item 9(b) is checked, provide the person making this request no more than 3 certified copies of Forms DV-100, DV-</p>	

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>109, and DV-110, which must include any information in item 8 but must NOT include any information listed in <del>40(b)</del> 9(b). Use Form DV-<del>170</del>175 as a cover sheet for each set of forms.'</p> <p>Form DV-170</p> <p>Item 1: Suggested edits.</p> <p>Confidential information <del>must</del> <u>ONLY</u> <del>may</del> be given <u>ONLY</u> to law enforcement to enforce the restraining order <u>(attached Form DV-110)</u>.</p> <p>Item 3 heading: Upper case "D" in "Documents."</p> <p>Item 3: Insert comma before "you MUST" and insert "on that document." Consider suggested edits in first sentence for clarity. 'If you file any document <u>that contains confidential information</u> in this case or <u>any</u> other civil case <del>that contains any confidential information</del>, you MUST also use Form DV-175 as a cover sheet <u>on that document</u>. See Form DV-165, item 8 for all information made confidential by the court.'</p> <p>Instructions to Clerk: Suggest changing "the parties" to "any party" and changing "any form or set of forms" to "the document or set of documents." 'When providing copies of unredacted filed documents to <del>the parties</del> <u>any party</u>, you must attach this cover sheet on top of <del>any form or set of forms</del> <u>the document or set of documents</u>. Complete item 2 to indicate the</p>	<p><i>The commentator submitted the same comments on form CH-170 as the comments here on form DV-170. The committees' responses to these comments are the same as their response to the comments above on form CH-170.</i></p>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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Commentator	Position	Comment	Committee Response
		<p>forms that are attached.’</p> <p>Form DV-175</p> <p>Instructions to Parties, last sentence: Change “it” to “them” and insert “the” before “court.” Consider adding “(both copies).” ‘Complete this form, place it on top of the documents you want to file <u>(both copies)</u>, and file <del>it</del> <u>them</u> with <u>the</u> court.’</p> <p>If the committee’s intention is to file the unredacted version and provide a copy to the filing party prior to judicial review, we propose moving # 3 to # 1. This will make it clearer to the clerk that judicial review of the unredacted version is not required before filing.</p> <p>DV-109, DV-160, DV-165, DV-170 and DV-175:</p> <p>The forms use a variety of descriptions for the protected person: “Protected Person”, “Person who filed the case”, “Person who requested restraining order”, “Person seeking the restraining order”, “Person in 1”, “Person Asking for Order” and for the restrained person: “Restrained Person”, “Person from whom protection is sought”, “Person in 2”, “Person to be Restrained”. Suggest using one or two descriptions for consistency and ease of reference.</p>	<p><i>The commentator submitted the same comments on form CH-175 as the comments here on form DV-1675. The committees’ responses to these comments are the same as their response to the comments above on form CH-175</i></p> <ul style="list-style-type: none"><li>• The committees have incorporated this change.</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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	Commentator	Position	Comment	Committee Response
10.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee's Joint Rules Subcommittee (JRS)		<p>The JRS notes the following:</p> <ul style="list-style-type: none"><li>• This law is going to be extremely difficult to properly execute, since many of these cases involve multiple people.</li><li>• The rule requires that the other parties' names, addresses, etc. also must be redacted if leaving them unredacted would make it clear who the minor was. This would probably be the case often.</li><li>• Perhaps a better rule should be that a minor who is requesting confidentiality be given a separate case number and file. The court could then order the entire minor's file confidential without involving the other parties. It would, of course, be heard with the other file, but that would avoid mistakes in redaction and solve the problem of what information the respondent should have. The respondent would get the paperwork with perhaps only the name redacted.</li><li>• Civil harassment cases often involve neighbors and ex-friends, so the information is often already known to the respondent. This is even more likely in DV cases. They could instead</li></ul>	<ul style="list-style-type: none"><li>• The committees agree that the process is complicated but necessary to provide access to the new relief, while complying with the governing statutes.</li><li>• The statute requires that the order is narrowly tailored which leaves room for judicial discretion in determining what information should be redacted.</li><li>• The statute requires that this is a motion that is made within the larger case.</li><li>• The statute requires that the order is narrowly tailored to balance the public's right of access to information and the minor's right to privacy. The information being kept confidential is not necessarily</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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	Commentator	Position	Comment	Committee Response
			<p>be given the order that the file is confidential and what the penalty is for violating the rule.</p> <ul style="list-style-type: none"><li>• This method would also greatly reduce the time the clerks need for training, checking redactions, properly filing, etc.</li><li>• Service of the request should not be required, but service of a granted order should be, so the respondent knows to obey the order.</li><li>• Law enforcement does not need to be advised. Any orders that go into the CLETS system will have to include identifying information in order to be enforced. Giving them notice would just confuse them.</li><li>• If the request for confidentiality can be</li></ul>	<p>known to the restrained person, and certainly not to the public.</p> <ul style="list-style-type: none"><li>• This comment is expanding on the previous comment, and the same answer from above is applicable.</li><li>• The committees agree that an order granting confidentiality should be served on the restrained person and be served with a redacted version if any information is also kept confidential from the restrained person. The committees are concerned with courts receiving ex parte communication therefore have included in this proposal a requirement that the request for confidentiality also be served on the restrained person (and redacted if necessary) if there is a pending action in the case. For example, if there is also a request for restraining order pending with the court.</li><li>• The committees believe that notice to law enforcement is needed and will propose changes to the forms in a future cycle. Judicial Council staff will continue to work with the Department of Justice on the best way to implement this notice.</li><li>• It is unlikely that courts would order</li></ul>

## SPR18-35

### Protective Orders: Protecting Information of People Under 18 Years Old (Rules of Court, rules 3.1152, 3.1161, 5.382; Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175)

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

Commentator	Position	Comment	Committee Response
		<p>made at any time, what happens with earlier documents that may be in the possession of people outside of the court? Should there be a place to make an order to return or destroy all un-redacted documents?</p> <ul style="list-style-type: none"><li>Rules 3.1161(f)(3) and 5.382(f)(3): may add the child/guardian's attorney as someone who can also receive/review the confidential file?</li><li>Form CH-160: if a party is asking to keep the address confidential, perhaps it would be better to not have them write it out on this form because this form will go to the other party. It could be especially problematic if the party is denied confidentiality and elects to withdraw the request for the RO and the other party would still have the address through this form. Maybe instead of writing out the address, the party checks the box for residential confidentiality and orally provides the court with the address at the hearing?</li></ul>	<p>return of documents that were provided appropriately and that were not in violation of any court order at the time, but courts will have to decide how to deal with these situations on a case-by-case basis.</p> <ul style="list-style-type: none"><li>The statute does not expressly provide that a guardian may review a record if the court has ordered it made confidential. courts will have to decide how to deal with these situations on a case-by-case basis.</li><li>The process is non-adversarial so in most cases there will not be a hearing. If there is information that is made confidential from the restrained person then that information will have to be redacted from the copy to be served on the restrained person. If it is an address that the restrained person is allowed to have access to but is to be kept confidential from the public then listing the address is appropriate because this puts the restrained person on notice which address is made confidential.</li></ul>