



Judicial Council of California

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Subject Details (With Text)

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Title

Rules and Forms | Juvenile Law: Restraining Orders (Action Required)

Summary

The Family and Juvenile Law Advisory Committee recommends amending three rules of the California Rules of Court, and adopting eight forms and revising five forms, to conform to recent statutory changes enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Senate Bill 374 (Min; Stats. 2021, ch. 135) regarding the definition of “disturbing the peace” in restraining order cases and Senate Bill 320 (Eggman; Stats. 2021, ch. 685) and Assembly Bill 1621 (Gipson; Stats. 2022, ch. 76) regarding firearms and ammunition prohibitions. The proposal also provides separate application and order forms relating to restraining orders against a juvenile and includes one new proof of service form to ensure the juvenile restraining orders are entered into the California Law Enforcement Telecommunications System (CLETS) database. At the same time, the committee recommends converting the forms to plain-language forms so that they are consistent with other restraining order forms and are easier to understand, complete, and enforce.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2023:

1. Amend rule 5.620 to use the new plain-language titles of the forms referenced in the rule;
2. Amend rule 5.625 to add two new forms on which to prepare restraining orders when the restrained person is a child in a juvenile justice (delinquency) proceeding and to use the new plain-language titles of the other forms referenced in the rule;
3. Amend rule 5.630 to add three new forms to request and prepare restraining orders when the restrained person is the child in a juvenile justice (delinquency) proceeding, use the new plain-language titles of the other forms referenced in the rule, and make other clarifying changes;
4. Adopt *Order on Request to Reschedule Restraining Order Hearing* (form JV-253) (previously part of form JV-251) as a mandatory form for use when the court grants or denies a request to reschedule a restraining order hearing;
5. Adopt *Request for Juvenile Restraining Order Against a Child* (form JV-258) as a mandatory form for use when requesting a restraining order against a child in a juvenile justice (delinquency) proceeding;
6. Adopt *Response to Request for Juvenile Restraining Order Against a Child* (form JV-259) as a mandatory form for a child in a juvenile justice proceeding to use if someone has asked for a restraining

order against them and they want to respond in writing;

7. Adopt *Notice of Court Hearing and Temporary Restraining Order Against a Child* (form JV-260) as a mandatory form to provide notice to a child in a juvenile justice proceeding of a hearing on a request for a restraining order against them and to make temporary orders pending that hearing;
8. Adopt *Juvenile Restraining Order After Hearing--Against a Child* (form JV-265) as a mandatory form to make orders for a child in a juvenile justice proceeding;
9. Adopt *Proof of Personal Service* (form JV-268) as a mandatory form to inform the court of the documents given to the party sought to be restrained;
10. Adopt *Prohibited Items Findings and Orders* (form JV-272) as a mandatory form to use for findings that the restrained person has firearms or ammunition prohibited by the restraining order; set a hearing to review compliance; and to tell the restrained person if they do not provide proof of compliance, the prosecuting agency will be notified;
11. Adopt *Noncompliance With Firearms and Ammunition Order* (form JV-274) as a mandatory form to provide notice of noncompliance to the prosecuting agency and notice of outstanding warrants to the law enforcement agency;
12. Revise *Request for Restraining Order--Juvenile* (form JV-245) to include items about notice, firearm parts and ammunition, and coercive control, to convert the form to plain-language format, and to retitle the form as *Request for Juvenile Restraining Order*;
13. Revise *Answer to Request for Restraining Order--Juvenile* (form JV-247) to include items about firearm parts and ammunition, to provide the person responding with an opportunity to state whether they agree with the requested orders, to convert the form to plain-language format, and to retitle the form as *Response to Request for Juvenile Restraining Order*;
14. Revise *Notice of Hearing and Temporary Restraining Order--Juvenile* (form JV-250) to include items about firearm parts, ammunition, and coercive control; convert the form to plain-language format and retitle the form as *Notice of Court Hearing and Temporary Restraining Order--Juvenile*;
15. Revise *Request and Order to Continue Hearing* (form JV-251) to make it a request only, to convert it to plain-language format, and to retitle it as *Request to Reschedule Restraining Order Hearing*;
16. Revise *Restraining Order--Juvenile* (form JV-255) to include items about firearm parts, ammunition, and coercive control; convert the form to plain-language format; and retitle it as *Juvenile Restraining Order After Hearing*;