



Judicial Council of California

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January 19, 2024

Subject Text

Meeting materials
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File #: 17-145, Version: 1

Title

Civil Protective Orders: Response and Firearms Relinquishment Exemption (Action Required)

Summary

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

Recommendation

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

1. Revise the following forms to include items in which the responding party may make, or the court may act on, a request under Code of Civil Procedure section 527.9(f) to grant an exception to the statutory firearm relinquishment order:
 - a. *Response to Request for Civil Harassment Restraining Orders* (form CH-120, item 6);
 - b. *Civil Harassment Restraining Order After Hearing* (form CH-130, item 8);
 - c. *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA- 120, item 7);
 - d. *Elder or Dependent Adult Abuse Restraining Order After Hearing*, (form EA-130, item 9);
 - e. *Response to Petition for Private Postsecondary School Violence Restraining Orders*, (form SV-120, item 7);
 - f. *Private Postsecondary School Violence Restraining Order After Hearing* (form SV-130, item 9);
 - g. *Response to Petition for Workplace Violence Restraining Orders*, (form WV-120, item 7); and
 - h. *Workplace Violence Restraining Order After Hearing* (form WV-130, item 9); and
2. Revise all the civil restraining order response forms, listed below, to include additional space so that if a responding party disagrees with the request, he or she may provide an explanation why directly on the form:
 - a. *Response to Request for Civil Harassment Restraining Orders* (form CH-120, item 1);
 - b. *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120, item 12);
 - c. *Response to Petition for Firearms Restraining Order* (form GV-120, item 3);
 - d. *Response to Petition for Private Postsecondary School Violence Restraining Orders* (form SV-120, item 11); and
 - e. *Response to Petition for Workplace Violence Restraining Orders* (form WV-120, item 11).