



Subject Text

Meeting materials
are available through

File #: 22-099, Version: 1

Title

Rules and Forms | Protective Orders: Civil Harassment Form Adoptions and Revisions, and Rule Amendment

Summary

The Civil and Small Claims Advisory Committee recommends amending rule 3.1160 of the California Rules of Court, the adoption, approval, and revision of 11 forms, and the revocation of one form to implement statutory changes in Assembly Bill 1143 (Stats. 2021, ch. 27). The statutory amendment permits courts to allow an alternative method of service for civil harassment restraining order petitions, temporary restraining orders, and notices of hearing upon a showing that the petitioner has been unable to accomplish personal service after a diligent effort, and that there is reason to believe the respondent is evading service or cannot be located. The proposal incorporates this potential alternative service and the required showing into the council's forms and rules of court, and makes other minor changes to civil harassment forms.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council take the following actions, effective September 1, 2022:

1. Amend California Rules of Court, rule 3.1160;
2. Adopt the following forms:
 - *Order Granting Alternative Service* (form CH-117); and
 - *Summons (Civil Harassment Restraining Order)* (form CH-210);
3. Approve the following form:
 - *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?* (form CH-205-INFO);
4. Revise the following forms:
 - *Notice of Court Hearing* (form CH-109);
 - *Temporary Restraining Order* (CLETS-TCH) (form CH-110);
 - *Order on Request to Continue Hearing* (form CH-116);
 - *Response to Request for Civil Harassment Restraining Orders* (form CH-120);
 - *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (CH-120-INFO);
 - *Proof of Personal Service* (form CH-200);
 - *What Is "Proof of Personal Service"?* (form CH-200-INFO); and
 - *Proof of Service by Mail* (form CH-250);
5. Revoke the following form:
 - *Proof of Service of Order After Hearing by Mail* (CH-260).