

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

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DATE: April 11, 2007

SUBJECT: Free Service of Orders (revoke form CH-101/DV-290; revise forms
CH-100, CH-120, CH-140, CH-150, DV-100, and DV-520-INFO)
(Action Required)

Issue Statement

Assembly Bill 2695 (Goldberg), which became effective January 1, 2007, has changed the law regarding the free service of certain protective orders, restraining orders, and injunctions. As a result, a Judicial Council form specially designed to request free service of orders and to track the different types of free service ordered by the courts under prior law is no longer accurate and should be revoked. In addition, five existing forms used in proceedings to prevent civil harassment and domestic violence should be revised to effectively and accurately implement the new statutory provisions regarding free service of orders.

Recommendation

Staff of the Administrative Office of the Courts¹ recommends that the Judicial Council, effective July 1, 2007:

1. Revoke *Request and Order for Free Service of Restraining Order* (form CH-101/DV-290);
2. Revise *Request for Orders to Stop Harassment* (form CH-100);

¹ This proposal was considered by certain members of the Protective Orders Working Group (working group), who agree with the recommendation. The working group is comprised of members from four advisory committees (Civil and Small Claims, Criminal, Family and Juvenile Law, and Probate and Mental Health) and the Domestic Violence Practice and Procedure Task Force. Working group members for the most relevant advisory committees (Civil and Small Claims and Family and Juvenile Law) considered the proposal. Staff presents the proposal pursuant to rule 10.22(a) of the California Rules of Court.

3. Revise *Notice of Hearing and Temporary Restraining Order* (form CH-120);
4. Revise *Restraining Order After Hearing to Stop Harassment* (form CH-140);
5. Revise *Can A Civil Harassment Restraining Order Help Me?* (form CH-150);
6. Revise *Request for Order* (form DV-100); and
7. Revise *Get Ready For Your Hearing (for Protected Person)* (form DV-520-INFO).

Revoked form CH-101/DV-290 and revised forms CH-100, CH-120, CH-140, CH-150, DV-100, and DV-520-INFO are attached at pages 6–26.

Rationale for Recommendation

Reasons for Changing the Forms

Assembly Bill 2695 (Goldberg), which became effective January 1, 2007, amended the Code of Civil Procedure, the Family Code, and the Government Code to eliminate the sunset provisions and make permanent the provisions in several statutes that provide that there is no fee for service of process by sheriffs or marshals of certain types of protective orders, restraining orders, and injunctions. The bill also expanded the types of orders that are eligible for free service of process and revised the way costs are allocated between the courts and the sheriffs and marshals. In particular, Assembly Bill 2695 has altered the relation between the trial courts and sheriffs' departments regarding service of orders under previous law by increasing the courts' responsibilities to reimburse the departments for free service of orders. As a result of this legislation, the current forms relating to service of orders in domestic violence and civil harassment prevention cases are no longer accurate and need to be changed.

Background

Assembly Bill 2030, which first changed the law regarding payment for service of certain protective and restraining orders, became effective on January 1, 2003. To assist the courts in tracking requests for free service of orders, the Judicial Council in 2004 adopted *Request and Order for Free Service of Process* (form CH-101/DV-290). This mandatory form was designed to provide a means for petitioners, courts, and sheriffs' departments to distinguish between:

1. Types of orders that were to be served for free and whose costs would be covered by the sheriffs' departments (i.e., domestic violence prevention orders obtained by persons entitled to fee waivers);

2. Types of orders to be served for free and for which the sheriffs' departments were entitled reimbursement from the courts under AB 2030 (such as harassment prevention orders involving sexual assault or stalking); and
3. Civil harassment orders for which petitioners were not entitled to free service under AB 2030 and needed to pay for service by the sheriffs' departments.

Form CH-101/DV-290 provided a means for courts and sheriffs' departments to track the number and types of orders that sheriffs served and to facilitate the determination of the amount of reimbursement for which the sheriffs' departments were entitled. This form is a combined form designed for use in both civil harassment and domestic violence prevention cases. It is short, but necessarily rather complicated, given its multi-purpose objectives and the complexity of the previous law. Because of the recent changes in the law, this form is out-of-date.

Changes Under AB 2695

Beginning January 1, 2007, AB 2695 modified the law regarding service of restraining orders. The changes to the law under AB 2695 have entitled sheriffs and marshals to bill the courts for service of process of protective and restraining orders in all domestic violence prevention and elder and dependent adult abuse prevention cases and in certain civil harassment and workplace violence prevention cases. Specifically, AB 2695 allows sheriffs' departments to submit a billing to the superior courts for payment of service of process fees, *irrespective of the in forma pauperis status of any party*, for serving orders in the following cases:

1. Domestic Violence Prevention Act orders issued under Division 10 (commencing with section 6200) of the Family Code;
2. Elder and dependent adult abuse orders issued under chapter 11 (commencing with Section 15600) of part 3 of division 9 of the Welfare and Institutions Code;
3. Workplace violence orders issued under Code of Civil Procedure section 527.8(q)(1) (that is, orders based upon a credible threat of violence or orders based upon stalking as prohibited by Section 646.9 of the Penal Code); and
4. Civil Harassment orders issued under Code of Civil Procedure section 527.6(q)(1) (that is, orders based upon a credible threat of violence or orders based upon stalking as prohibited by Section 646.9 of the Penal Code).

(See Government Code, § 6103.2.)

Based on the enactment of AB 2695, sheriffs' departments are seeking reimbursement from the courts for service of types of protective orders which had not been reimbursable under prior law.

As explained above, to assist the courts in tracking requests and orders for the service of protective orders, for which reimbursement was allowed under prior law, the Judicial Council in 2004 adopted *Request and Order for Free Service of Process* (form CH-101/DV-290). However, because of the new legislation, the information requested on the form is no longer accurate. For example, item 3, which requires every petitioner who qualifies for a fee waiver to complete the *Application for Waiver of Court Fees and Costs* (form FW-001), is no longer applicable. That requirement is no longer necessary for orders in the four types of cases described above. The instruction for protected person on the second page of the form, which requires all petitioners requesting free service to complete a fee waiver application if they qualify for one, is no longer applicable to those four types of cases. The Instructions for Law Enforcement on the second page of form CH-101/DV-290, which describes the circumstances under which sheriffs may be reimbursed for free service of orders, no longer accurately describes the law on reimbursement under the new legislation. Finally, item 4b(1) on the form indicates that free service of process is available for civil harassment orders based on “sexual assault” rather than, as the new legislation provides, “a credible threat of violence.”

Proposed Form Changes

To ensure that the Judicial Council forms for use in proceedings to prevent domestic violence and civil harassment are accurate and up-to-date, several actions are recommended. Most importantly, current *Request and Order for Free Service of Restraining Orders* (form CH-101/DV-290) should be revoked. This form no longer correctly states the law regarding free service. Instead of requiring litigants to complete this additional form, six other current forms for requests and orders should be modified to implement the new free service statutes. Regarding the civil harassment forms, on the *Request for Orders to Stop Harassment* (form CH-100), item 17 should be modified so that the person requesting free service of an order can state whether the request is based on stalking, a credible threat of violence, or the person’s eligibility for a fee waiver. On the *Notice of Hearing and Temporary Restraining Order* (form CH-120), item 15 should be modified to enable the court to specify on what basis it is granting free service of the order. Similarly, on the *Restraining Order After Hearing to Stop Harassment* (form CH-140), item 13 should be revised to enable the court to state the basis for its order for free service. In addition, on *Can a Civil Harassment Restraining Order Help Me?* (form CH-150), the instructions on the second page should be revised to accurately explain how free service may be obtained under current law.

Regarding the domestic violence prevention forms, on *Request for Order* (form DV-100), item 18 should be revised. The form presently instructs persons requesting free service to ask the court clerk whether they need any more forms such as form CH-

101/DV-290 and form 982(a)(7).² Because form CH-101/DV-290 would be revoked, the instruction needs to be changed. The revised instruction should simply indicate that persons requesting free service should ask the clerk what they need to do to obtain free service. A similar change in the instructions should be made to *Get Ready For Your Hearing (for Protected Person)* (form DV-520-INFO).

Alternative Actions Considered

AB 2695 requires that the forms relating to free service be revised to be accurate and up to date. The working group considered whether to recommend revising *Request and Order for Free Service of Restraining Order* (form CH-101/DV-290) instead of revoking it. But the group felt that it would be preferable to eliminate this particular form entirely and modify the other restraining order forms to implement the legislation. In the end, this will improve practice and procedure by requiring less paperwork for litigants and the courts.

Comments From Interested Parties

This proposal was not circulated for comment because it is technical and non-controversial and is required to be consistent with recent statutory changes.

Implementation Requirements and Costs

The proposed revisions should make it easier for courts and law enforcement to implement the law regarding free service of restraining orders. Some information will need to be provided to both the courts and sheriffs' departments to effectuate the new laws on free service. The courts may also need to develop new means of tracking the orders served for free by sheriffs and determining the appropriate amounts of reimbursement.

Attachments

² Form 982(a)(17), *Application for Waiver of Court Fees and Costs*, was renumbered as form FW-001, effective January 1, 2007.

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

2 Name of person you want protection from:

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

Request for Free Service

3 If you qualify for a fee waiver, complete *Application for Waiver of Court Fees and Costs* (Form FW-001) and file it with this request. (Check one):

- a. I have completed and filed a fee waiver application.
- b. I am not eligible for a fee waiver.

4 I am entitled to free service of the restraining orders by the sheriff or marshal because (check either item a or b):

- a. I asked for domestic violence prevention restraining orders on Form DV-100.
- b. I asked for civil harassment restraining orders on Form CH-100, and my request was based on my fear of (check at least one box, if applicable):
 - (1) sexual assault.
 - (2) stalking.

(If you are not entitled to free service under a or b, you may be eligible under a fee waiver or may pay the sheriff or marshal to serve the restraining orders.)

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

Date: _____

Type or print your name



Sign your name

(Order is on next page)



Case Number: _____

Protected person's name: _____

Court Order

- 5 The court has reviewed the request of the person in ① and finds that (*check one box only*):
 - a. The person qualifies for a fee waiver under rule 985 of the California Rules of Court.
 - b. The person does not qualify for a fee waiver, but qualifies for orders under item 4a or 4b above.
 - c. The person does not qualify for a fee waiver or for orders under item 4a or 4b above.
- 6 The sheriff or marshal shall serve the restraining order (on Form DV-110 or DV-130 or CH-120 or CH-140 and reference documents) without cost with cost to the person in ①.

Date: _____

Clerk, by _____, Deputy
(Clerk may grant in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 985(d).)

or

Judicial Officer

Instructions for Protected Person

- Fill out page 1 of this form. This form will allow you to ask the sheriff or marshal to serve the restraining order on the restrained person. **There is no cost to you if you qualify under either item 4a or 4b on page 1.**
- Fill out the *Application for Waiver of Court Fees and Costs* (Form FW-001) if you qualify for a fee waiver based on financial need.
- Give the forms to the court clerk together with your request for a restraining order.
- Ask the clerk how to make sure the sheriff or marshal gets your papers for service.
- If you do not qualify for free service of the restraining order under this request or a fee waiver, you may pay the sheriff or marshal to serve the order on the restrained person.
- For more information about service, read *What is "Proof of Service"?* (Form CH-135 or Form DV-210).

Instructions for Law Enforcement

- Government Code section 6103.2(b) allows the sheriff or marshal to bill the court only for orders or injunctions described in subdivision (q)(1) of Code of Civil Procedure section 527.6. The sheriff or marshal may bill the court for service **only** if item 5b above is checked.
- If the sheriff or marshal is seeking reimbursement for service, the box below must be filled out and a copy of this form returned to the court listed on page 1. **This is not a proof of service.**

Service of the order was made or attempted on (date): _____ Fee for service: \$ _____

Date: _____

(Type or Print Name of Law Enforcement Representative)

(Signature of Law Enforcement Representative)

(Title and Agency)

(This is Not a Proof of Service.)

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Fill in court name and street address:

Superior Court of California, County of

2 Name of person you want protection from:

Describe the person: Sex: M F Weight: _____

Height: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if you know): _____

City: _____ State: _____ Zip: _____

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

3 Besides you, who needs protection? (Family or household members)

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

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

4 Why are you filing in this court? (Check all that apply):

The person in 2 lives in this county.

I was hurt (physically or emotionally) by the person in 2 here.

Other (specify): _____

5 How do you know the person in 2? (Describe):

This is not a Court Order.



Your name: _____

- 6 Describe how the person in 2 has harassed you:
- a. Date of most recent harassment: _____
 - b. Who was there? _____
 - c. Did the person in 2 commit any acts of violence or threaten to commit any acts of violence against you? Yes No
If yes, describe those acts or threats: _____
 - d. Did the person in 2 engage in a course of conduct that harassed you and caused substantial emotional distress? Yes No
If yes, describe: _____
 - e. Did the conduct of the person in 2 described above seriously alarm, annoy, or harass you? Yes No
 Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want

- 7 **Personal Conduct Orders**
- I ask the court to order the person in 2 to **not** do the following things to me or anyone listed in 3 :
- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
 - b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.
- The person in 2 will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

- 8 **Stay-Away Orders**
- I ask the court to order the person in 2 to stay at least (specify): _____ yards away from me and the people listed in 3 and the places listed below: (Check all that apply):
- a. My home
 - b. My job or workplace
 - c. My children's school or child care
 - d. My vehicle
 - e. Other (specify): _____
- If the court orders the person in 2 to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? Yes No
If no, explain: _____

This is not a Court Order.



Your name: _____

9 **Others to Be Protected**

Should the other people listed in **3** also be covered by the orders described above?

Yes No Does not apply

If yes, explain: _____

10 **Order About Guns or Other Firearms**

I ask the court to order the person in **2** to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms **and** to sell or turn in any guns or firearms that he or she controls.

11 **Other Orders**

I ask the court to order the person in **2** to (specify): _____

12 **Temporary Orders**

Do you want the court to make orders now on the matters listed in **7**, through **11** that will last until the hearing? Yes No

If yes, explain why you need these orders right now: _____

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 **Delivery of Orders to Law Enforcement**

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

b. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

14 **Other Court Cases**

Have you ever asked any court for other restraining orders against the person in **2**? Yes No

If yes, specify the counties and case numbers if you know them: _____

This is not a Court Order.



Your name: _____

15 **Time for Service**

You must have your papers personally served on (notify) the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

16 **No Fee for Filing**

I ask the court to waive the filing fee because the person in ② has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

17 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in ② about the orders for free because:

- a. My request for orders is based on stalking; or
- b. My request for orders is based on a credible threat of violence; or
- c. I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. Lawyer's fees
- b. Out-of-pocket expenses

The amounts requested are:

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

Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

19 **Additional Relief**

I ask the court for additional relief as may be proper.

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

Date: _____

Lawyer's name

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

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 protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained:

Description of that person:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

3 **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop harassment:

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 **Court Orders**

The court (check a or b):

- a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.



Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

5 **Personal Conduct Orders**

You must **not** do the following things to the people listed in ① and ⑩:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

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

6 **Stay-Away Order**

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑩
- c. The home of the persons in ① and ⑩
- d. Jobs or workplaces of the persons in ① and ⑩
- e. Vehicle of person in ①
- f. The protected children's school or child care
- g. Other (specify): _____

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

7 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

8 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

9 **Other Orders (specify):** _____

This is a Court Order.



Your name: _____

10 **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): _____

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Address (City, State, Zip)

_____	_____
_____	_____
_____	_____

12 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.

13 **Time for Service** (check a, b, or c)

- a. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 5 days before the hearing.
- b. A copy of the documents listed in ⑫ must be served in person to the person in ② at least 2 days before the hearing.
- c. A copy of the documents listed in ⑫ must be served in person to the person in ② at least _____ days before the hearing.

14 **No Fee for Filing**

Filing fees are waived.

This is a Court Order.



Your name: _____

15 **No Fee for Service of Order by Law Enforcement**

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

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

Date: _____

▶

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑧ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Your name (*person asking for protection*):Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: _____ State: _____ Zip: _____

Your telephone (*optional*): (_____) _____Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*): _____

Fill in court name and street address:

Superior Court of California, County of**2** Name of person to be restrained:

Fill in case number:

Case Number:

Description:

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

3 **Hearing**

There was a hearing:

on (*date*): _____ at (*time*): _____ a.m. p.m. Dept.: _____ Rm: __________ made the orders at the hearing.
(*Name of judicial officer*)

These people were at the hearing:

- a. Plaintiff (*the person in ①*) c. Plaintiff's lawyer (*name*): _____
- b. Defendant (*the person in ②*) d. Defendant's lawyer (*name*): _____

4 **This Is a Court Order**

You must obey all the orders indicated below. If you do not obey this Order, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

5 **Expiration Date**

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

(*time*): _____ a.m. p.m. or midnight on (*date*): _____

If no date is present, this Order expires three years from the date of issuance.

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

You must *not* do the following things to the people listed in ① and ⑪:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑪. *(If item c is not checked, the court has found good cause not to make this order.)*

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case does not violate these orders.

7 **Stay-Away Order**

You must stay at least (*specify*): _____ yards away from:

- a. The person listed in ①
- b. The people listed in ⑪
- c. The home of the persons in ① and ⑪
- d. Jobs or workplaces of the persons in ① and ⑪
- e. Vehicle of person in ①
- f. The protected children’s school or child care
- g. Other (*specify*): _____

This stay-away order does not prevent the person in ② from going to or from that person’s home or place of work.

8 **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

9 **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. *(You may use CH-145 for this.)*

10 **Other Orders** (*specify*): _____

11 **Other Protected Persons**

List of the full names of all family and household members protected by these orders:

This is a Court Order.



Your name: _____

Instructions for the Protected Person

To the person in ① (Write the name of the person in ①): _____

12 **Delivery to Law Enforcement**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

Name of Law Enforcement Agency:	Address (City, State, Zip)
_____	_____
_____	_____
_____	_____

13 **No Fee for Service of Order by Law Enforcement**

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

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

Date: _____  _____
Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑨ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an Order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

(Clerk will fill out this part)

Clerk's Certificate

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is a Civil Harassment Restraining Order?

It is a court order that helps protect people from harassment.

Can I get a Civil Harassment Restraining Order?

You can ask for one if you are worried about your safety because someone:

- Stalked
- Harassed
- Sexually assaulted *or*
- Threatened you with violence.

How will the order help me?

The court can order a person to:

- Not harass or threaten you
- Not contact or go near you *and*
- Not have a gun

You can also ask for protection for other family or household members.

What forms do I need to get the order?

Fill out Forms CH-100 and CH-120. Then file them with the court clerk.

Where can I get these forms?

You can get the forms at any courthouse or county law library at: www.courtinfo.ca.gov/forms

How soon can I get the order?

If you ask for a temporary restraining order (Form CH-120), the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner.

How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

How will the person to be restrained know about the order?

Someone over 18 years of age—not you or anyone else protected by the order— must “serve” (give) the person to be restrained a copy of the order. For help with service, ask the court clerk for Form CH-135.

What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

How much does it cost?

That depends on the type of harassment. If the restrained person has used or threatened to use violence against you or has stalked you, you do not have to pay a filing fee.

If you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form FW-001 is available for this purpose.

You are entitled to free service of the court’s order by a sheriff or marshal if the order is based on a credible threat of violence or stalking. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve the order for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve the order.

The court can make the person who loses the case pay all the court fees and the lawyer’s fees for the other party.

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)



Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Do I need to bring a witness to the court hearing?

No. But it helps to have proof of the harassment. You can bring:

- A written statement from witnesses made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring witnesses' written statements under oath to the hearing. (You can use Form MC-030 for this.)

Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

CH-120 Notice of Hearing and Temporary Restraining Order

1 Name of person asking for protection: _____
 Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): _____
 City: _____ State: _____ Zip: _____
 Your telephone number (optional): () _____
 Your lawyer (if you have one) (Name, address, telephone number, and State Bar number): _____

2 Name of person to be restrained: _____
 Description of that person: _____
 Sex: M F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Work Address (if known): _____
 City: _____ State: _____ Zip: _____

To the person in ②:

3 **Notice of Hearing**
 A court hearing is scheduled on the request for orders against you to stop harassment:
 Name and address of court if different from above: _____
 Hearing Date: _____ Time: _____
 Date: _____ Dept: _____ Rm: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 **Court Orders**
 The court (check a or b):
 a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
 b. Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

Clerk stamps date here when form is filed

Fill in court name and street address
Superior Court of California, County of _____

Court file in case number when form is filed
Case Number: _____

This is a Court Order.

Address: Superior Court of California, County of _____, Room 4000, 4000 Van Ness Avenue, San Francisco, CA 94102
 Revised January 1, 2007. Mandatory Form
 Code of Civil Procedure, §§ 52.7 and 52.7.1
 Approved by SCJ: _____

Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4
 (Civil Harassment)

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What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. Ask for an interpreter or other accommodation. (See information on Requests for Accommodations at the bottom of page 1.)

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so that they will know about your orders.

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Clerk fills in case number when form is filed.

Case Number:

1 Your name (person asking for protection):

Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

2 Name of person you want protection from:

Description of that person: Sex: M F Height: _____

Weight: _____ Race: _____ Hair Color: _____

Eye Color: _____ Age: _____ Date of Birth: _____

3 Besides you, who needs protection? (Family or household members):

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

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 3—Protected People" by your statement. NOTE: In any item that asks for Form MC-020, you can use an 8 1/2 x 11-inch sheet of paper instead.

4 What is your relationship to the person in 2? (Check all that apply):

- a. We are now married or registered domestic partners.
- b. We used to be married or registered domestic partners.
- c. We live together.
- d. We used to live together.
- e. We are relatives, in-laws, or related by adoption (specify relationship): _____
- f. We are dating or used to date.
- g. We are engaged to be married or were engaged to be married.
- h. We are the parents together of a child or children under 18:
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
 Child's Name: _____ Date of Birth: _____
- i. We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one.)

This is not a Court Order.



Your name: _____

5 Other Court Cases

- a. Have you and the person in ② been involved in another court case?
-
- No
-
- Yes

If yes, where? County: _____ State: _____

What are the case numbers? (If you know): _____

What kind of case? (Check all that apply):

- Registered Domestic Partnership Divorce/Dissolution Parentage/Paternity Legal Separation
 Domestic Violence Criminal Juvenile Child Support Nullity Civil Harassment
 Other (specify): _____

- b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?

 No Yes *If yes, attach a copy if you have one.***What orders do you want? Check the boxes that apply to your case.** **6 Personal Conduct Orders**

I ask the court to order the person in ② not to do the following things to me or any of the people listed in ③:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail

*The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, their family members, caretakers, or guardians unless the court finds good cause not to make the order.***7 Stay-Away Order**

I ask the court to order the person in ② to stay at least _____ yards away from (check all that apply):

- a. Me
b. The people listed in ③
c. My home
d. My job or workplace
e. The children's school or child care
f. My vehicle
g. Other (specify): _____

If the person listed in ② is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, or place of worship? Yes No (If no, explain): _____**8 Move-Out Order**

I ask the court to order the person in ② to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

9 Child Custody, Visitation, and Child SupportI ask the court to order child custody, visitation, and/or child support. *You must fill out and attach Form DV-105.***10 Spousal Support***You can make this request only if you are married to, or are a registered domestic partner of, the person in ② and no spousal support order exists. To ask for spousal support, you must fill out, file, and serve Form FL-150 before your hearing.***This is not a Court Order.**

Your name: _____

What orders do you want? Check the boxes that apply to your case.

11 Record Unlawful Communications

I ask for the right to record communications made to me by the person in ② that violate the judge's orders.

12 Property Control

I ask the court to give *only* me temporary use, possession, and control of the property listed here:

13 Debt Payment

I ask the court to order the person in ② to make these payments while the order is in effect:

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 13—Debt Payment" by your statement.

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

14 Property Restraint

I am married to or have a registered domestic partnership with the person in ②. I ask the judge to order that the person in ② not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in ② to notify me of any new or big expenses and to explain them to the court.

15 Attorney Fees and Costs

I ask that the person in ② pay some or all of my attorney fees and costs.
You must complete and file Form FL-150, Income and Expense Declaration.

16 Payments for Costs and Services

I ask that the person in ② pay the following:

You can ask for lost earnings or your costs for services caused directly by the person in ② (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

17 Batterer Intervention Program

I ask the court to order the person listed in ② to go to a 52-week batterer intervention program and show proof of completion to the court.

18 No Fee to Serve (Notify) Restrained Person

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.



Case Number: _____

Your name: _____

What orders do you want? Check the boxes that apply to your case.

19 More Time for Notice

I need extra time to notify the person in (2) about these papers. Because of the facts explained on this form, I want the papers served up to _____ days before the date of the hearing. *For help, read Form DV-210-INFO. If necessary, add additional facts:* _____

20 Other Orders

What other orders are you asking for? _____

Check here if you need more space. Attach Form MC-020 and write "DV-100, Item 20—Other Orders" by your statement.

21 Guns or Other Firearms

I believe the person in (2) owns or possesses guns or firearms. Yes No I don't know

If the judge approves the order, the person in (2) will be required to sell to a gun dealer or turn in to police any guns or firearms that he or she owns or possesses.

22 Describe the most recent abuse.

a. Date of most recent abuse: _____

b. Who was there? _____

c. What did the person in (2) do or say that made you afraid?

d. Describe any use or threatened use of guns or other weapons: _____

e. Describe any injuries: _____

f. Did the police come? No Yes

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy if you have one.

Check here if you need more space. Use Form MC-020 and write "DV-100, Item 22—Recent Abuse" by your statement.

Check here if the person in (2) has abused you (or your children) other times. Use Form DV-101 or Form MC-020 to describe any previous abuse.

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

Be prepared.

- Bring documents that support your case (police or medical reports, rental agreements or receipts, photos, bills, etc.). Bring 2 copies of all documents and filed forms, including the *Proof of Service*.
- You can bring a friend or relative (a “support” person), but that person must not talk for you in court.
- You can bring a witness to help support your case. Witnesses may or may not be permitted to testify. But you can bring a written statement of what the witness saw or heard. You must file and serve witness statements at the same time that you file Forms DV-100 and DV-110.
- Most courtrooms do not allow children. Ask if there is a children’s waiting room in the courthouse.

Don't miss your hearing!

If you miss it, the restraining orders will end and you will have to start from the beginning.

Get there 30 minutes early.

- Find the courtroom.
- When the courtroom opens, go in and tell the clerk or officer that you are present.
- If you are afraid of the restrained person, tell the officer.
- Watch the other cases so you will know what to do.
- When your name is called, go to the front of the courtroom.
- Your hearing may last just a few minutes or up to an hour or more. However, you may be at court several hours, depending on the number of other cases.

What if you don't speak English?

When you file your papers, tell the clerk you will need an interpreter. If a court interpreter is not available, bring someone to interpret for you. Do not ask a child, a protected person, or a witness to interpret for you.

What if you are deaf or hard of hearing?**Requests 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 proceeding. Contact the clerk’s office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8.)

Practice what you want to say.

Make a list of the orders you want and practice saying them. Do not take more than 3 minutes to say what you want.

If you get nervous at the hearing, just read from your list. Use that list to see if the judge has made every order you asked for.

The judge may ask questions.

- Tell the truth. Speak slowly. You can read from your list.
- The restrained person or his or her lawyer may also ask you questions.
- Give complete answers.
- If you don't understand, say “I don’t understand the question.”
- If the restrained person lies in court, wait until he or she finishes talking. Then tell the judge.
- Speak only to the judge unless it is your turn to ask questions.
- When people are talking to the judge, wait for them to finish. Then you can ask them questions about what they said.

The judge will decide.

- At the hearing, the judge will consider whether denial of any orders will risk your safety or the safety of children for whom you are requesting custody, visitation, or child support. The judge will also consider safety concerns about your financial needs and the children's.
- At the end of the hearing, the judge will say what the orders are.
- Make sure your Form DV-130 says what the judge has ordered. Sometimes the clerk fills out the form for you. If not, fill it out yourself. If you filled it out before the hearing, you may have to make changes.
- Review it and make sure you understand. If anything is wrong or missing, tell the clerk right away.
- If the judge makes the orders, the judge will sign your Form DV-130. Take it to the clerk to file it. The clerk will give you up to 5 copies.

The judge may “continue” your case.

This means you have to come back another day. The judge can do this if:

- The restrained person needs time to get a lawyer or prepare an answer
- The judge wants more information
- Your hearing is taking longer than planned

Ask the judge to extend the temporary orders until the new hearing date.

Ask the clerk for the forms you need.

What about child custody or visitation?

- If you need child custody or visitation orders, the judge will send you to mediation. Mediation helps parents agree on a plan for custody and visitation that is best for the children.
- If you are sent to mediation, the judge may make your restraining, custody, and visitation orders last until the next hearing or until another court order.
- Either parent can ask to meet with the mediator separately. You can bring a support person with you to mediation. A support person can provide emotional support but cannot speak for you.

What happens after the hearing?

- Ask the clerk if the court will fill out Form DV-130 for you. If not, fill it out.
- If the judge makes the orders, go to the clerk and file Form DV-130. The clerk will send it to law enforcement or CLETS for you. CLETS is a statewide computer system that lets police know about the order.
- If the restrained person was at the hearing, you can have him or her served with a copy of Form DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you after he or she mails Form DV-130.
- If the restrained person was not at the hearing, but the judge's orders are the *same* as the temporary order, you can have him or her served with a copy of DV-130 by mail. Ask the server to complete Form DV-250 and give it back to you.
- If the restrained person was not at the hearing, and the judge's orders are *different* from the temporary order, you must have someone serve Form DV-130 in person, not by mail. Ask the server to complete Form DV-200 and give it back to you.

Remember: You and other protected people cannot serve the orders.

The sheriff or marshal will serve the orders for free. Ask the court clerk what you need to do.