



Civil Harassment Restraining Order

This Guide is intended to provide simple instructions on how to request the Kern County Superior Court issue a Civil Harassment Restraining Order (CHRO). A CHRO is an order directing a person not to harass or engage in violence against you. To determine where to file your case go to the Kern County Superior Court Website www.kern.courts.ca.gov

You may seek protection if you are worried about your safety because you are being stalked, harassed, sexually assaulted, or threatened by someone you do not have a family or past or present romantic relationship with, like a neighbor, co-worker, or roommate.

Restraining Order requests must be filed in person by the person requesting the order or by his or her attorney. You will need to plan to have time to go to court, file the request, and go back to the court to pick up your paperwork.

Need protection from family or a romantic partner?

If you need protection from someone who is a member of your immediate family or a current or ex romantic partner, you may need a Domestic Violence Restraining Order instead. For information see Kern County Superior Court at https://www.kern.courts.ca.gov/divisions/family_law/

Step-by-Step Instructions

Step 1: Preparation

In order to complete the forms necessary to obtain a civil harassment restraining order, you will need to gather:

- The name and physical description of the person you wish to be restrained.
- Any information you need to describe the last few instances of stalking, harassment, violence, threat, or sexual assault against you, including what was said and done and which persons were witnesses.

Kern County Superior Court
Self Help Center
1415 Truxtun Avenue, 3rd Floor
Bakersfield, CA 93301
(661) 868-2532

Disclaimer: This Guide is intended as general information only. Your case may have factor requiring different procedures or forms. The information and instructions are provided for use in the Kern County Superior Court. Please keep in mind that each court may have



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If the person you wish to be restrained does not know your address, you may wish to obtain a separate mailing address, such as a P.O. Box, to use on your court papers.

Step 2: Complete the Necessary Forms

The Kern County Superior Court-Self Help Center has created a CHRO Packet which includes each of the necessary forms. The forms in the packet are not fillable; you will need to complete the forms by hand. If you prefer to fill out the forms on the computer, you may download the individual forms from the Judicial Council website www.courts.ca.gov under the "Forms" tab.

Complete these forms in the CHRO Packet:

- ◆ Civil Case Cover Sheet (CM-010)
- ◆ Request for Civil Harassment Restraining Orders (CH-100)
- ◆ Attachment to Judicial Council Form (MC-025)(optional, if you need additional room for any answers)
- ◆ Notice of Court Hearing (CH-109)
- ◆ Temporary Restraining Order (Ch-110) (complete items 1, and 3 only)
- ◆ Confidential CLETS Information (CLETS-001)
- ◆ Civil Harassment Restraining Order after Hearing (CLETS-CHO) (CH-130)(complete items 1,2

Step 3: File your Papers

File at your local courthouse: Present completed forms to the Civil Filing Counter at the appropriate court location. You can find out which courthouse is appropriate for your filing by checking at www.kern.courts.ca.gov.

Filing Fees: If your Request for Civil Harassment Restraining Orders (CH-100) form alleges violence, threats of violence, or words or acts of the person to be restrained that cause you to reasonably fear violence from him or her, there is no fee to file. You make this allegation by checking item 13 on your Request for Civil Harassment Restraining Orders (CH-100). However, if the Judge decides that your allegation is not credible, you must pay the filing fee when you pick up the forms.

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If you are not alleging violence, but cannot afford to pay the filing fee, you may not apply for a fee waiver at the time you file your restraining order papers. If you are submitting a fee waiver request, the clerk will accept your forms at the window when you file and you will not have to pay a filing fee at that time. However, if the Judge decides that you do not qualify for a fee waiver, you must pay the filing fee when you pick up your forms

Filing: Restraining order requests must be turned in by the person seeking protection, or by his or her attorney. The court is very particular about the format and order in which you give the clerk the forms. When you file, the court will require the original of each form on top (unstapled), plus one copy underneath it (stapled). The original of each form is left unstapled, because the court scans the documents, while the copy, which will be returned to you with a court stamp, is stapled.

- Request to Waive Court Fees (FW-001) plus one copy (if using)
- Order on Court Fee Waive (FW-003) plus one copy (if using)
- Request for Civil Harassment Restraining Orders (CH-100) plus one copy
- Notice of Court Hearing (CH-109) plus one copy
- Temporary Restraining Order (CH-110)(complete items 1,2 and 3 only) plus one copy.
- Confidential CLETS Information (CLETS-001) plus one copy.
- KERN-0029– Civil Harassment Restraining Order After Hearing (Please complete items 1, 2, & 3 only)
- Civil Harassment Restraining Order After Hearing (CLETS-CHO) (CHO-130) (complete items 1,2, and 3 only) plus one copy.

Take your completed packet to the Civil Filing Counter at the appropriate court-house. See attached list of Kern County Superior Courts.



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Step 4: Examine the Paper for Orders and Hearing Date

When you pick up your papers, examine them carefully. A case number will be stamped on your documents. If temporary orders were made, they will be on the Temporary Restraining Order (CH-110), in paragraphs 5 through 8.

Review the Notice of Court Hearing (CH-109). Your hearing date and the court department that will hear your request for a permanent restraining order will be listed in paragraph 3.

The court clerk will enter the orders into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS).

Step 5: Service on the Person You Need Protection From

Have the following documents served on the respondent at least 5 days prior to the hearing date:

- * Request for Civil Harassment Restraining Orders (CH-100)(and Attachment (MC-025), if used)
- * Notice of Court Hearing (CH-109)
- * Temporary Restraining Order (CH-110) (if granted)
- * Handout and blank documents in the Service Pack (attached at the end of this guide)

You can have the Sheriff's Department, a process server, or anyone over the age of 18 who is not a party to the case serve the person to be restrained. They must personally serve the paperwork on the respondent.

If you cannot get the person you want restrained served in time for the hearing, you can request an extension of time using Request to Continue Court Hearing (CH-115) and Order on Request to Continue Hearing (CH-116).

Special Instructions for the Sheriff's Dept.

If you have the Sheriff serve the papers there will be a fee (currently \$40) unless you have a fee waiver or the court ordered free service due to violence or threat of violence.

Either way you must deliver two (2) complete sets of documents, along with any fee and the Instructions to Sheriff– Temporary Restraining Order to Sheriff's Civil Department:

5251 Office Park Dr, Bldg 300

Bakersfield, CA 93309

(661) 635-1300

DEADLINE: 20 days before your hearing.

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Step 6: File and Serve the Proof of Service

File the original and one copy of the signed Civil Harassment Proof of Personal Service (CH-200) form with the court. The court will return a stamped copy to you. If you had the Sheriff serve the paperwork, the Sheriff's Department will file the Proof of Service with the court for you. If you cannot file before the hearing date, bring it with you to the hearing.

Step 7: Review the Response, If Any

The person to be restrained may choose to oppose your request for a restraining order I writing. If so, he or she should mail you a copy of this response prior to your hearing date. Be sure to review any response so that you may anticipate any evidence the person you wish to be restrained will present in court.

Clear and Convincing Proof

A petitioner seeking a Civil Harassment Restraining Order must prove the matter by "clear and convincing proof," meaning the petitioner must prove his or her facts in the case to be "highly probable." This is higher standard of proof than most lawsuit, including Domestic Violence Restraining Orders. In most lawsuits, cases must be proven by "preponderance," that is that the petitioner's case must be proven to be more likely that not true.

Step 8: Attend Your Hearing

Be prepared to spend at least half a day at the courthouse to open. The calendar of cases to be heard that day will be posted next to the courtroom door. Make sure that your case is listed on the docket, and when the courtroom opens, check in with the court attendant.

Whether or not the other side appears, you will need to present your case to the judge. Be prepared to explain clearly and concisely why the court should grant your request.

During the hearing, it is your burden to prove to the court by "clear and convincing evidence" the violence, threats, stalking, or harassment you claim. Be sure to bring any documents that you will need to prove your case, such as photos, medical or police reports, or threatening letters and emails. Witnesses may also bolster your case, but the court may or may not let witnesses speak at the hearing.

If the other side appears, he or she will also have an opportunity to present his or her side of the story. Do not be surprised if the judge interrupts either or both of you to ask questions. The judge is attempting to learn what happened, and is asking questions to assist him or her in understanding the situation.

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At the end of your hearing, the judge may:

- Grant your request;
- Deny your request;
- Take the matter under submission (think about it and mail his or her decision);
- Continue the hearing to another date; or
- refer you to mediation.

If your request is continued to another date or taken under submission, be sure to ask the judge to continue the temporary restraining order until to the new hearing or until you and the person you wish to be restrained can be notified of the decision.

If you do not attend your hearing, your request for a restraining order will be denied, and any temporary orders will expire.

Step 9: Mediation

The judge may refer your matter to mediation. If this happens, you and the other party will meet with an available mediator, who will explain that mediation is both voluntary and confidential, and does not jeopardize either party's ability to have a hearing-at any point either of you can say mediation is not working and you would like to request a hearing. In that case both parties must return to the courtroom and wait until the judge is ready to hear the case.

The mediator does not make judgments and typically does not even look at the parties' evidence. Rather, the mediation process focuses on what the parties can agree to do to make life peaceful in the future. The goal of mediation is to reach an agreement, which can include a restraining order. The mediated agreement is an enforceable stipulated judgement; the civil harassment restraining order case is dismissed. If either party violates the terms of the stipulated judgment, the other party can refile the civil harassment restraining order case.

The benefit of mediation in a civil harassment restraining order case is that the person who wanted the restraining order can walk away from court that day with some sort of resolution in place, as opposed to often walking away with nothing. Because the court can only grant or deny a request for a civil harassment restraining order; because of the high "clear and convincing" standard of proof, the Kern County Superior Court grants few civil harassment restraining orders. Also, because the mediated agreement can be tailored to meet both parties' needs, there is a higher likelihood of follow through on both sides.

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Step 10: Court Enters CHRO into Statewide System for Law Enforcement

If a restraining order is granted, the court clerk will enter the order into California Law Enforcement Telecommunications Systems (CLETS), a statewide database of protective orders, via the California Restraining and Protective Order System (CARPOS).

Step 11: Serve the Restrained Person

Follow the directions in Paragraph 13 of the Civil Harassment Restraining Order After Hearing (CH-130).

If the restraining order is granted and the restrained person was present at the hearing, the court will check box “a” in paragraph 13, and no service of the restraining order is required.

If the restrained person was not present during the hearing, the court will check the box “b” in paragraph 13. If the orders granted are the same as the temporary orders that were granted and served, box 13(b)(1) will be checked, and the restrained person may be served by mail, using Proof Of Service of Order After Hearing by Mail (CH-260). You must download this form from the California Courts’ website at www.courts.ca.gov/documents/ch60.pdf; it is not available in either of the Civil Harassment Restraining Order Packets.

If the orders were different in any way than the temporary orders, box 13(b)(2) will be checked, and the restrained person must be personally served with the Restraining Order after Hearing (CH-130).

This service must be performed by a sheriff, marshal, process server, or someone over the age of 18 who is not a party to the case. For personal service, follow the directions in Step 5, except the only document being served is the one listed in paragraph 4(f) of the Civil Harassment Proof of Personal Service (CH-200).

Step 12: File the Proof of Service in Court

File the original, plus one copy, of Civil Harassment Proof of Personal Service (CH-200) or Proof of Service of Order after Hearing by Mail (CH-260) completed in Step 11.

Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

1 Person Seeking Protection

- a. Your Full Name: _____ Age: _____
 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: _____

Fill in court name and street address:

Superior Court of California, County of
[Empty space for address]

Court fills in case number when form is filed.

Case Number:
[Empty space for case number]

2 Person From Whom Protection Is Sought

- Full Name: _____ Age: _____
 Address (if known): _____
 City: _____ State: _____ Zip: _____

3 Additional Protected Persons

- a. Are you asking for protection for any other family or household members? Yes No If yes, list them:

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 there are more persons. Attach a sheet of paper and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

- b. Why do these people need protection? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.



4 Relationship of Parties

How do you know the person in (2)? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Relationship of Parties" for a title.

5 Venue

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

- a. The person in (2) lives in this county.
- b. I was harassed by the person in (2) in this county.
- c. Other (specify): _____

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?

Yes No (If yes, check each kind of case and indicate where and when each was filed.)

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(1)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(2)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(3)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(4)	<input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(5)	<input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(9)	<input type="checkbox"/> Small Claims	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? No Yes (If yes, attach a copy if you have one.)

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

a. Tell the court about the last time the person in (2) harassed you.

- (1) When did it happen? (provide date or estimated date): _____
- (2) Who else was there?

This is not a Court Order.



7 a. (3) How did the person in 2 harass you? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

(4) Did the person in 2 use or threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

(6) Did the police come? Yes No

If yes, did they give you or the person in 2 an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

Me The person in 2 The persons in 3.

(Attach a copy of the order if you have one.)

b. Has the person in 2 harassed you at other times?

Yes No (If yes, describe prior incidents and provide dates of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

This is not a Court Order.



Check the orders you want.

8 Personal Conduct Orders

I ask the court to order the person in (2) **not** to do any of the following things to me or to any person to be protected listed in (3):

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- c. Other (*specify*):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c-Other Personal Conduct Orders," for a title.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 Stay-Away Orders

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

- (1) Me.
- (2) The other persons listed in (3).
- (3) My home.
- (4) My job or workplace.
- (5) My school.
- (6) My children's school.
- (7) My children's place of child care.
- (8) My vehicle.
- (9) Other (*specify*):

b. If the court orders the person in (2) to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job? Yes No (*If no, explain below*):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession or control.

This is not a Court Order.



11 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in ② to last until the hearing. I am presenting form CH-110, *Temporary Restraining Order*, for the court’s signature together with this *Request*.

Has the person in ② been told that you were going to go to court to seek a TRO against him/her?

Yes No (If you answered no, explain why below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 11—Temporary Restraining Order” for a title.

12 **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains What Is “Proof of Personal Service”? Form CH-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write “Attachment 12—Request to Give Less Than Five Days' Notice” for a title.

13 **No Fee for Filing or Service**

- a. There should be no 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.
- b. The sheriff or marshal should serve (notify) the person in ② about the orders for free because my request for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should serve the person in ② for free because I am entitled to a fee waiver. (You must complete and file form FW-001, Application for Waiver of Court Fees and Costs.)

14 **Lawyer's Fees and Costs**

I ask the court to order payment of my lawyer's fees Court costs.

The amounts requested are:

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

Check here if there are more items. Put the items and amounts on the attached sheet of paper or form MC-025 and write “Attachment 14—Lawyer’s Fees and Costs” for a title.

This is not a Court Order.



15 **Possession and Protection of Animals**

I ask the court to order the following:

- a. That I be given the sole possession, care, and control of the animals listed below, which I own, possess, lease, keep, or hold, or which reside in my household.
(Identify animals by, e.g., type, breed, name, color, sex.)

I request sole possession of the animals because *(specify good cause for granting order)*:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. That the person in **(2)** must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16 **Additional Orders Requested**

I ask the court to make the following additional orders *(specify)*:

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested," for a title.

17 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

▶ _____
Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

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: _____

Empty box for clerk stamping date.

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: _____	Name and address of court if different from above:
	Dept.: _____ Room: _____	_____ _____

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.

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 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'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 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

CH-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

- 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: _____

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 Restrained Person

Full Name: _____
 Description:

Sex: M F Height: _____ Weight: _____ Date of Birth: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member?	Relation to Protected Person
_____	_____	_____	<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 there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of the hearing scheduled for the date and time below:

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

To the Person in ②:

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must **not** do the following things to the person in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (*specify*):
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. 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. However, you may have your papers served by mail on the person in ①.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

a. You must stay at least _____ yards away from (*check all that apply*):

- (1) The person in ①
- (2) Each person in ③
- (3) The home of the person in ①
- (4) The job or workplace of the person in ①
- (5) The school of the person in ①
- (6) The school of the children of the person in ①
- (7) The place of child care of the children of the person in ①
- (8) The vehicle of the person in ①
- (9) Other (*specify*):

b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*

c. The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

Not Requested Denied Until the Hearing Granted as Follows *(specify):*

a. The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

Not Requested Denied Until the Hearing Granted as Follows *(specify):*

Additional orders are attached at the end of this Order on Attachment 9.

To the Person in (1):

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

This is a Court Order.

11 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

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

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

12 Number of pages attached to this Order, if any: _____

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 guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order.

- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable 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 Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

-Clerk's Certificate-

I certify that this *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.

**California Law Enforcement Telecommunications System (CLETS)
Information Form**

- This form is submitted with the initial filing (*date*): _____
- This is an amended form (*date*): _____

Important: This form **MUST NOT** become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (*if you know it*): _____

1 Person to Be Protected (*Name*): _____

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

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

Mailing Address (*listed on restraining order*): _____

City: _____ State: _____ Zip: _____ Telephone (*optional*): _____

Vehicle (*Type, Model, Year*): _____ (*License Number and State*): _____

2 Person to Be Restrained (*Name*): _____

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

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

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (*Type, Model, Year*): _____ (*License Number and State*): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

3 Guns or Firearms Describe any guns or firearms that you believe the person in **2** owns or has access to (*Number, types, and locations*):

4 Other People to Be Protected

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Relation to Person in 1</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

This is not a Court Order—Do not place in court file.

CH-100

Request for Civil Harassment Restraining Orders

Read *Can a Civil Harassment Restraining Order Help Me?* (form CH-100-INFO) before completing this form. Also fill out *Confidential CLETS Information* (form CLETS-001) with as much information as you know.

Clerk stamps date here when form is filed.

Insert your name and address. You may use a mailing address like a P.O. Box, if you do not wish the restrained person to know your physical address.

1 Person Seeking Protection

a. Your Full Name:

_____ Age: _____

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: _____

Fill in _____
Sup _____ County of _____

Court fills in case number when form is filed.

Case Number: _____

2 Person From Whom Protection Is Sought

Full Name: _____ Age: _____

Address (if known): _____

City: _____ Zip: _____

Complete as much information as you know about the person you wish to be protection from.

If you are seeking protection for other family or household members, check the "yes" box, list the information for the persons to be protected and the reason for protection.

3 Additional Protected Persons

a. Are you asking for protection for any other household members? Yes No If yes, list them:

Full Name	Sex	Relationship with you?	How are they related to you?
_____	_____	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 <input type="checkbox"/>	_____

Check here if there are more persons. Attach and write "Attachment 3a—Additional Protected Persons" for a title. You may use form MC-025.

b. Why do these people need protection? (Explain) Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 3b—Why Others Need Protection" for a title.

This is not a Court Order.



Case Number: _____

Describe how you know the person to be restrained. If you require more space, you may check the box and attach an additional page.

4 Relationship of Parties

How do you know the person in (2)?
 Check here if there is no written record of the relationship. Attach a separate sheet of paper or form MC-02.

Describe the relationship between you and the person in (2) in your own words. Put your complete answer on the attached sheet of paper titled "Relationship of Parties" for a title.

5 Venue

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

- a. The person in (2) lives in this county.
b. I was harassed by the person in (2) in this county.
c. Other (specify): _____

Identify the reasons your request is being made in Kern County

6 Other Court Cases

a. Have you or any of the persons named in (3) been involved in another court case with the person in (2)?
 Yes No (If yes, check each kind of case and indicate where and when each was filed.)

Table with columns: Kind of Case, Filed in (County/State), Year Filed, Case Number (if known). Rows include Civil Harassment, Domestic Violence, Divorce, Nullity, Legal Separation, Paternity, Parentage, Child Custody, Elder or Dependent Adult Abuse, Eviction, Guardianship, Workplace Violence, Small Claims, Criminal, and Other (specify).

If you have been involved in any other court cases with the person to be restrained, check the "yes" box and list the case information. If there are already restraining orders in effect check the "yes" box in 6(b) and attach a copy.

b. Are there now any protective or restraining orders in effect relating to you or any of the persons in (3) and the person in (2)? No Yes (If yes, attach a copy if you have one.)

7 Description of Harassment

Harassment means violence or threats of violence against you, or a course of conduct that seriously alarmed, annoyed, or harassed you and caused you substantial emotional distress. A course of conduct is more than one act.

- a. Tell the court about the last time the person in (2) harassed you.
(1) When did it happen? (provide date or estimated date): _____
(2) Who else was there? _____

Paragraph 7 is used to describe the harassment or violence. State the most recent date of harassment/violence, and identify the witness to it.

This is not a Court Order.

Describe the most recent incident of harassment/violence. If you require extra space you may check the box and attach an additional page. Because the court will base its initial ruling as to whether a temporary restraining order will issue, or whether a fee waiver will be granted on these initial pleadings any description should be written clearly in a way that may be easily understood by a complete stranger, in this case, the judge.

7 a. (3) How did the person in (2) harass you? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(3)—Describe Harassment" for a title.

State whether a gun or other weapon was threatened or used by the person to be restrained during this most recent incident. If one was threatened or used, write a brief explanation below.

(4) Did the person in (2) ever threaten to use a gun or any other weapon?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(4)—Use of Weapons" for a title.

(5) Were you harmed or injured because of the harassment?

Yes No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7a(5)—Harm or Injury" for a title.

State whether you were injured or harmed by the act you described. If you check "yes," describe your injuries.

(6) Did the police come? Yes No

If yes, did they give you or the person in (2) an Emergency Protective Order? Yes No

If yes, the order protects (check all that apply):

Me The person in (2) The persons in (3).

(Attach a copy of the order if you have one.)

State whether police came in response to the act you describe. If they did, indicate whether an emergency protective order was issued and who the order applies to.

b. Has the person in (2) harassed you at other times?

Yes No (If yes, describe prior incidents and provide dates of harassment below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 7b—Previous Harassment" for a title.

State whether there were any prior incidents of harassment. If you check "yes" describe the prior incidents. Check the attachment box if you need more space.

This is not a Court Order.



If you wish to ask for personal conduct orders, check the appropriate boxes. "Other" is used to request that conduct not described in sections (a) or (b) be prohibited. If you check "other," describe the conduct you wish to be prohibited.

Check the orders you want.

8 Personal Conduct Orders

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

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- c. Other (specify):
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c-Other Personal Conduct Orders," for a title.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

9 Stay-Away Orders

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

- (1) Me.
- (2) The other persons listed in (3).
- (3) My home.
- (4) My job or workplace.
- (5) My school.
- (6) My children's school.
- (7) My children's place of child care.
- (8) My vehicle.
- (9) Other (specify):

If you are requesting stay-away orders, check the box, state the distance that you are requesting the restrained person stay away, and the places you wish him/her to stay away from. If this order would prevent him/her from getting to home, school, or work, you must explain.

b. If the court orders the person in (2) to stay away from all _____
to get to his or her home, school, or job? Yes No

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 9b—Stay-Away Orders," for a title.

10 Guns or Other Firearms and Ammunition

Does the person in (2) own or possess any guns or other firearms? Yes No I don't know

If the judge grants a protective order, the person in (2) will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, and ammunition while the protective order is in effect. The person in (2) will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any guns or firearms within his or her immediate possession.

Check the appropriate box to state whether the person you are seeking protection from owns a gun or other firearm.

This is not a Court Order.



If you wish the court to issue a temporary restraining order until the date of your hearing, check the box in paragraph 11, and indicate whether or not you have told the person to be restrained that you are seeking a TRO. If you have not, explain why. If you need more room, attach MC-025.

11 **Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in (2). I am presenting form CH-110, *Temporary Restraining Order*.

Has the person in (2) been told that you were going to go to court to seek a TRO against him/her?

Yes No (If you answered no, explain why below):

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11—Temporary Restraining Order" for a title.

12 **Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in (2) at least five days before the hearing, unless the court orders a shorter time for service. (Form CH-200-INFO explains how to use form CH-200, *Proof of Personal Service*, may be used to show the court that you have personally served the person.)

If you want there to be fewer than five days between service and the hearing, check the box below.

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice of Hearing" for a title.

Normally, the person you are seeking protection from must be personally served with the Request and other forms at least five days before the hearing. If your circumstances require less than five days' notice be given, use paragraph 12 to request the order, and explain why reduced notice is required.

13 **No Fee for Filing or Service**

- a. There should be no filing fee because the person in (2) has stalked me, or has acted or spoken in some other way that has caused me to believe that I am in danger.
- b. The sheriff or marshal should serve (notify) the person in (2) for orders is based on unlawful violence, a credible threat of violence, or stalking.
- c. There should be no filing fee and the sheriff or marshal should be ordered to serve me. I am entitled to a fee waiver. (You must complete and file form CH-200-INFO, *Proof of Personal Service*, Fees and Costs.)

There is a filing fee to request a Civil Harassment Restraining Order, but this fee may be waived by the court in cases of violence or credible threats of violence or stalking. In these cases, you may also request that the court order the Sheriff to serve restraining orders free of charge. You may also request a fee waiver by filing and receiving a fee waiver. Indicate in paragraph 13 if you are requesting that fees should be waived and the reason the fees should be waived.

14 **Lawyer's Fees and Costs**

I ask the court to order payment of my lawyer's fees

The amounts requested are:

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

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 14—Lawyer's Fees and Costs" for a title.

A person requesting a restraining order may request that the restrained person be ordered to pay attorney fees and court costs. Use paragraph 14 to request payment of these costs, and itemize them on the lines provided. If you are self-represented, you are not entitled to recover lawyer's fees.



15 Possession and Protection of Animals

I ask the court to order the following:

- a. That I be given the sole possession, care, and control... lease, keep, or hold, or which reside in my household... (Identify animals by, e.g., type, breed, name, color,

If you would like to request possession of, or protection for, any animals, check the box for paragraph 15. Describe the animals, and explain why this type of order is necessary.

I request sole possession of the animals because (specify good cause for granting order):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 15a—Possession of Animals" for a title.

- b. That the person in (2) must stay at least ___ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

16 Additional Orders Requested

I ask the court to make the following additional orders (specify):

- Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 16—Additional Orders Requested" for a title.

Any additional orders you are requesting are described in paragraph 16. Please note that the court will generally not issue an order for damages (money) or regarding matters outside the scope of a restraining order.

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

Specify the number of pages attached.

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: _____

Date, Print your name and sign.

Type or print your name

Sign your name

This is not a Court Order.

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your name, address and optionally telephone number, fax and e-mail. You may use a mailing address like a P.O. Box if you do not wish the restrained person to know your physical address. Leave the attorney information blank.

(If you have one for this case):
_____ State Bar No.: _____

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

_____ State: ____ Zip: _____

_____ Fax: _____

E-Mail Address: _____

Empty box for clerk stamping date.

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 name of the person to be restrained goes here.

The court will complete the rest of this form.

3 Notice of Hearing

A court hearing is scheduled

The court will complete paragraphs 3 and 4, and all of pages 2 and 3. Skip to CH-110.

Person in (2): _____

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____ _____ _____
	Dept.: _____	Room: _____	

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.

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 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'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 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

CH-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

Your name address and optionally telephone number, fax and e-mail. you may use a mailing address like a P.O. Box, if you do not wish the restrained person to know your physical address. Leave the attorney information blank.

Person

Name: _____
Lawyer (if you have one for this case): _____
State Bar No.: _____
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, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.): _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail: _____
Home Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Print the name of the person from whom you wish to be protected, and as much identifying information as you have about this person.

② Restrained Person

Full Name: _____
Description: _____
Sex: M F Height: _____ Weight: _____ Date of Birth: _____
Hair Color: _____ Eye Color: _____ Age: _____ Race: _____
Home Address (if known): _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the temporary orders indicated below:

Full Name	Sex	Age	Household Member
_____	_____	_____	<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

List any other persons for whom you are seeking protection.

Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025, Attachment.

The court will complete the rest of this form.

④ Expiration Date

This Order expires at the end of _____

The court will complete the rest of the form. Skip to CLETS-001.

Date: _____ Time: _____ a.m. p.m.

This is a Court Order.

To the Person in ②:

The court has granted the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

a. You must **not** do the following things to the person in ①

and to the other protected persons listed in ③:

- (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
- (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
- (4) Other (*specify*):
 Other personal conduct orders are attached at the end of this Order on Attachment 5a(4).

b. 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. However, you may have your papers served by mail on the person in ①.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

a. You must stay at least _____ yards away from (*check all that apply*):

- (1) The person in ①
- (2) Each person in ③
- (3) The home of the person in ①
- (4) The job or workplace of the person in ①
- (5) The school of the person in ①
- (6) The school of the children of the person in ①
- (7) The place of child care of the children of the person in ①
- (8) The vehicle of the person in ①
- (9) Other (*specify*):

b. This stay-away order does not prevent you from going to or from your home or place of employment.

7 No Guns or Other Firearms and Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.

b. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.

This is a Court Order.

- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. *(You may use form CH-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*

c. The court has received information that you own or possess a firearm.

8 Possession and Protection of Animals

Not Requested Denied Until the Hearing Granted as Follows *(specify):*

a. The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household.
(Identify animals by, e.g., type, breed, name, color, sex.)

b. The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

9 Other Orders

Not Requested Denied Until the Hearing Granted as Follows *(specify):*

Additional orders are attached at the end of this Order on Attachment 9.

To the Person in (1):

10 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

This is a Court Order.

11 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

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

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

12 Number of pages attached to this Order, if any: _____

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 guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms that you have or control as stated in item ⑦ above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form CH-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in item ②.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*, to learn how to respond to this Order.
- If you want to respond, fill out form CH-120, *Response to Request for Civil Harassment Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the Request claims that you inflicted or threatened violence against or stalked the person in ①.
- You must have form CH-120 served by mail on the person in ① or that person's attorney. You cannot do this yourself. The person who does the mailing should complete and sign form CH-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form MC-030, *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at www.courts.ca.gov/forms. If you do not know how to prepare a declaration, you should see a lawyer.

This is a Court Order.

- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable 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 Restraining and Protective Orders System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in item ④ on page 1.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued, the orders must be enforced according to the following priorities (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no-contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(Clerk will fill out this part.)

Clerk's Certificate
[seal]

-Clerk's Certificate-

I certify that this *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.

This form will NOT become a part of the public court file. It is confidential and private.

California Law Enforcement Telecommunications System (CLETS) Information Form

- This form is submitted with the initial filing (date): _____
- This is an amended form (date): _____

Enter whether form submitted with new filing and date of filing.

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): _____

1 Person to Be Protected (Name): _____

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

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

Mailing Address (listed on restraining order): _____

City: _____ State: _____ Zip: _____ Telephone (optional): _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

Complete the information about yourself in Part 1.

2 Person to Be Restrained (Name): _____

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

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

Residence Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Business Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

Employer: _____

Occupation/Title: _____ Work Hours: _____

Driver's License Number and State: _____ Social Security Number: _____

Vehicle (Type, Model, Year): _____ (License Number and State): _____

Describe any marks, scars, or tattoos: _____

Other names used by the restrained person: _____

Complete the information about the person to be restrained in Part 2.

3 Guns or Firearms Describe any guns or firearms that you believe the person in **2** own (Number, types, and locations):

Describe any guns the person to be restrained may have or own in Part 3.

4 Other People to Be Protected

Name	Date of Birth	Sex	Race	Relation to Person in 1
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Additional persons to be protected are listed on Attachment 4.

Enter the names, sex, age, and relationship to you of other persons to be protected.

This is not a Court Order—Do not sign