



SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE
www.tulare.courts.ca.gov
559-730-5000

REQUEST FOR CIVIL HARASSMENT RESTRAINING ORDER

Forms included in this packet:		
To read	Instructions	This packet
	Can A Civil Harassment Restraining Order Help Me ?	Judicial Council Form # CH-100-INFO
To complete and file	Request for Civil Harassment Restraining Order	Judicial Council Form # CH-100
	Notice of Court Hearing	Judicial Council Form # CH-109
	Temporary Restraining Order	Judicial Council Form # CH-110
	CONFIDENTIAL CLETS Information	Judicial Council Form # CLETS-001
To serve (leave blank)	Response to Request for Civil Harassment Restraining Order	Judicial Council Form # CH-120
	How Can I Respond to A Request for a Civil Harassment Restraining Order?	Judicial Council Form # CH-120-INFO
	How Do I Turn In, Sell or Store My Firearms?	Judicial Council Form CH-800-INFO/JV-252-INFO
	Proof of Firearms Turned In, Sold, or Stored	Judicial Council Form CH-800/JV-252
To file	Proof of Personal Service	Judicial Council Form # CH-200
To read	What is Proof of Personal Service	Judicial Council Form # CH-200-INFO

SELF HELP RESOURCE CENTER

If you are filing a Request for Civil Harassment Restraining Order and do not have an attorney representing you, free assistance is available. Please contact:

Superior Court of California, County of Tulare

SELF-HELP RESOURCE CENTER

(559) 737-5500

221 S. Mooney Blvd. (County Civic Center), Room 203, Visalia CA 93291

OR

300 E. Olive Ave. (South County Justice Center), Porterville, CA 93257

Email: tcscselfhelpinfo@tulare.courts.ca.gov.

The Self-Help Resource Center (also known as the Family Law Facilitator) will provide instructions on how to complete the forms and how to properly serve notice on all the necessary parties. They can answer your procedural questions and explain the court process. The Resource Center cannot give you legal advice or tell you what to say to the judge, but staff can review your forms and tell you if they are complete and correct before you file. The Self-Help Resource Center **CANNOT** represent you in court.

This is an instructional guide to filing a Request for Civil Harassment Restraining Order, designed to explain the process of filing your paperwork and going to court.

Fillable, printable pdf versions of the Judicial Council forms contained in this packet are available online at <https://www.courts.ca.gov/forms.htm>. You can print and handwrite forms, or type them online and print them out to file.

You can also use the **SHARPCourts** program, which will ask for information and use it to fill out the forms for you. If you create a free account, you can save the forms and your information in case you need to make changes or want to file other paperwork at a later date. You can access the program at this website: <https://lawhelpinteractive.org/Interview/GenerateInterview/5772/engine>.

If you have further questions or concerns regarding your restraining order case, you may wish to consult with an attorney, use the assistance of a paralegal or typing service, or do self-research at the Tulare County Law Library (on the ground floor of the Visalia Courthouse, with Law Library computer terminals also available in the Self-Help Resource Center in the Porterville courthouse) or on the California Courts' Self-Help website at <https://www.courts.ca.gov/1044.htm>. Select the Spanish icon at the right of the webpage for information in Spanish.

INSTRUCTIONS

This packet contains the forms you need to request a Civil Harassment Restraining Order. The form "Can a Civil Harassment Restraining Order Help Me?" (Form CH-100-INFO) will give you a basic overview on civil harassment restraining orders. The instructions in this packet will explain how to complete these forms and the process of submitting them to the Clerk's Office for filing.

You will fill out the following forms to start your request:

- **Form CH-100 – Request for Civil Harassment Restraining Order**
- **Form CH-109 – Notice of Court Hearing** – only complete sections 1 and 2.
- **Form CH-110 – Temporary Restraining Order** – only complete sections 1, 2 and 3.
- **CLETS-001**

Fee Waiver: There **may be** a fee for filing these forms. **There is no fee if the person you are requesting to be restrained has used violence against you, has stalked you, or has acted or spoken in some other ways that make you reasonably fear violence.** If you are not sure if you will need to pay a fee and would like to apply for a fee waiver, please request a Fee Waiver packet from the clerk.

Detailed instructions for completing and filing your forms are included below.

Complete the following forms:

1. Form CH-100 – Request for Civil Harassment Restraining Order

- **Section 1** – Write in your name and an address where you can reliably receive mail. You can write in a P.O. Box. If you do not want the Restrained Person to know where you live, do not write your home address here because this document must be served on the Restrained Person.
- **Section 2** – Write in the name and identifying information of the Restrained Person. Fill in as much of the requested information as you know.
- **Section 3** – List any members of your household, including family members or people with whom you are in a relationship who live with you (but not roommates) and whom you want to protect under your restraining order. In section b, explain why you think they need protection from the Restrained Person.
- **Section 4** – Explain how you know the Restrained Person.
- **Section 5** – Explain why you are filing in this county – you will need to file in the county where either the Restrained Person lives or where the harassment took place.
- **Section 6** – List any other court cases (if any) in which you have been involved with the Restrained Person.
- **Section 7** – Describe the details of the harassment that you are alleging took place, beginning with the most recent incident. In **section b**, state whether the Restrained Person has harassed you before, and briefly explain what happened during those other incidents.
- **Sections 8-9** – Check the boxes to tell the court which orders you want against the Restrained Person, and whether stay away orders will prevent the Restrained Person from getting to work, home, job or school.

- **Section 10** – Tell the court whether the Restrained Person has any firearms or ammunition that you know about. If you are not sure, check “I don’t know.”
- **Section 11** – If you feel that you will not be safe without a restraining order against the Restrained Person until you go to the hearing, explain why you feel you need that temporary order.
- **Section 12** – **If you feel you will not be able to serve** the Restrained Person by 5 calendar days before the hearing, you can request the court to allow you to serve the paperwork closer to the hearing date. Explain why you think you will not be able to serve it within 5 days.
- **Section 13** - Check **a** and **b** if you feel you have been threatened with violence or reasonably fear violence from the Restrained Person. If the court grants your request, the fee will be waived and the filing fee will be waived. If not, you can still request to have the fees waived by filing a Fee Waiver Request. Check **c** if you are filing a fee waiver request with your request for Civil Harassment Restraining Order.
- **Section 14** – This section only applies if you are represented by an attorney.
- **Section 15** – Complete this section if you are requesting a restraining order to keep the Restrained Person away from any animals you own, if you feel that the Restrained Person might injure or remove those animals.
- **Section 16**– Complete this section if you want to request other orders not included in the previous sections. NOTE: You cannot request a move-away order in a Civil Harassment Restraining Order.
- **NOTE:** Attach a copy of your **Emergency Protective Order** if one has been granted.

2. Form CH-109 - Notice of Court Hearing

- Fill in sections 1 and 2 only. The court will fill in the rest.

3. Form CH-110 – Temporary Restraining Order

- Fill in sections 1, 2, and (if applicable) 3. The court will fill in the rest.

4. CLETS-001

- Fill in your personal information; all information you have about the Restrained Person; any guns or firearms or ammunition in the Restrained Person’s possession; and any persons you are asking to be protected under the restraining order.

Filing the Documents

Return your forms to the Visalia Courthouse, Clerk of the Court (Rm 201) located at 221 S. Mooney Blvd, Room 201, Visalia, CA 93291 **OR** the South County Justice Center, Court Clerk’s window located at 300 E. Olive Ave, Porterville, CA 93257:

- **Form CH-100 – Request for Civil Harassment Restraining Order** (with copy of your Emergency Protective Order attached, if one was issued) – original and 1 copy
- **Form CH-109 – Notice of Court Hearing** - original
- **Form CH-110 – Temporary Restraining Order** - original
- **CLETS-001** - original
- **FW-001 – Request to Waive Court Fees** and **FW-003 – Order on Court Fee Waiver** (if applying for fee waiver) - original and 1 copy each

The Court Clerk will file the forms and return your filed copies of the **Fee Waiver** forms (if you qualify for a Fee

Waiver based on section 5a or 5b, otherwise the Request will be sent to the judge for review). The Notice, Temporary Order and CLETS will be kept and sent to the judge for review.

The clerk will give your documents to the judge, who will carefully review and consider your request. The court will grant a temporary restraining order if it appears necessary to keep you safe until the hearing. Even if the court does not grant a temporary restraining order, a hearing will be set for a date about three weeks from the date you file your Request.

After the court makes a decision on your request, the clerk will call to let you know your paperwork is ready for pickup. You will receive copies of the Request, Notice of Hearing, and certified copies of the Temporary Restraining Order if one is granted.

Serving the Paperwork

You will need to have the respondent served by 5 court days (or the amount of time listed on the **CH-109, Notice of Hearing**) before the hearing.

You will need to serve copies of the following forms that you filed:

- CH-100 - Request for Civil Harassment Restraining Order
- CH-109 - Notice of Hearing
- CH-110 - Temporary Restraining Order

You will also need to serve the following blank forms:

- CH-120 - Response to Domestic Violence Restraining Order
- CH-120 - INFO - How Can I Respond to A Domestic Violence Restraining Order?
- CH-800-INFO - How Do I Turn In, Sell or Store My Firearms?
- CH-800 - Proof of Firearms Turned In, Sold, or Stored

If the court has checked the box on Section 10 of the CH-110 (Temporary Order), the Sheriff's Department, located at 221 S. Mooney Blvd. Room 102, County Civic Center Visalia CA 93291 will serve the paperwork at no charge to you. You will need to provide two copies of each form you want the Sheriff's Department to serve.

Next Steps

You will need to appear at your court date that is listed on the **Notice of Hearing (CH-109)**. At that hearing, the court will either grant or deny your Request, or set a further "contested" hearing where both parties can bring evidence to support their side of the story. If this happens and you were granted a Temporary Restraining Order, the order will be extended until the new court date. You will need to appear in person for your contested hearing.

Further Assistance

For further assistance, please contact the Self-Help Resource Center in Visalia or Porterville.

CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

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:

- Is harassing you
- Is stalking you
- Has committed acts of violence against you, or
- Has 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 any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

You can also ask for protection for people who live with you and family members.

In a civil harassment case, the court cannot:

- Order a person to move out of your residence
- Order a person to pay child support to you
- Make orders for custody and visitation

If you need these orders, you should proceed under the Domestic Violence Protection Act. File form DV-100.

The court also cannot:

- Order a person to pay money that he or she owes you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance that doesn't involve harassment

If you need these remedies, you must file a civil action.

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; otherwise, you must pay the 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.

If the order is based on prior acts of violence, a credible threat of violence, or stalking, you are entitled to free service of the order by a sheriff or marshal. 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.

What forms do I need to get the order?

You must fill out all of form CH-100, Request for Civil Harassment Restraining Orders, and form CLETS-001, Confidential CLETS Information. If you need attachments, you may use form MC-025. You must also fill out items 1 and 2 on form CH-109, Notice of Court Hearing, and items 1, 2, and 3 on form CH-110, Temporary Restraining Order (CLETS-TCH).

Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the harassment took place or the person to be restrained lives. At the court, ask where you should file your request for a civil harassment restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.



CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.

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 five years.

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

Someone age 18 or older—not you or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form CH-200, *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for form CH-200-INFO, *What Is “Proof of Personal Service?”*

What if the restrained person does not obey the order?

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

Do I have to go to court?

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

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

Witnesses are not required, but it helps to have more proof of the harassment than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

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

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

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.

CH-109 Notice of Court Hearing

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: _____

2 Person From Whom Protection Is Sought

Full Name: _____

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in (2):

Hearing Date: _____ Date: _____ Time: _____
Dept.: _____ Room: _____

Name and address of court if different from above: _____

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.)

Notice of Court Hearing
(Civil Harassment Prevention)

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CH-100-INFO Can a Civil Harassment Restraining Order Help Me?

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, How to Request a Disability Accommodation for Court.

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/CH-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, Request for Interpreter (Civil), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

Can I agree with the restrained person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the restrained person would have to file a request with the court to cancel the order.

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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 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

Gender

Age

Lives with you?

How are they related to you?

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ 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.)

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(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 email, 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.

(8) ☐ My vehicle.

(2) ☐ The other persons listed in (3).

(9) ☐ Other (specify):

(3) ☐ My home.

(4) ☐ My job or workplace.

(5) ☐ My school.

(6) ☐ My children's school.

(7) ☐ My children's place of child care.

- 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 Firearms (Guns), Firearm Parts, and Ammunition

Does the person in (2) own or possess any firearms (guns), firearm parts, or ammunition? This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). ☐ 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 firearms (guns), firearm parts, 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 firearms (guns) and firearm parts within their 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 or 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>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>
<hr/>	\$ <hr/>	<hr/>	\$ <hr/>

☐ 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.**

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 email.)*

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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 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: _____

Dept.: _____ Room: _____

Name and address of court if different from above:

_____**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 stated 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 ⑦ on the order (form CH-165) must be kept **CONFIDENTIAL**. The disclosure or misuse of the information is punishable as a sanction, with a fine of up to \$1,000 or other court penalties.

6 Service of Documents for 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 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 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 (guns) and firearm parts that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

**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 *Disability Accommodation Request* (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

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 email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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

(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)

*Full Name: _____ *Age: _____ Date of Birth: _____

*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____

*Gender: ☐ M ☐ F ☐ Nonbinary Home Address: _____

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	Gender	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 named 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 email, 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) <input type="checkbox"/> The person in ① | (7) <input type="checkbox"/> The place of child care of the children of the person in ① |
| (2) <input type="checkbox"/> Each person in ③ | |
| (3) <input type="checkbox"/> The home of the person in ① | (8) <input type="checkbox"/> The vehicle of the person in ① |
| (4) <input type="checkbox"/> The job or workplace of the person in ① | (9) <input type="checkbox"/> Other (<i>specify</i>):

_____ |
| (5) <input type="checkbox"/> The school of the person in ① | |
| (6) <input type="checkbox"/> The school of the children of the person in ① | |

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

⑦ No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b on the next page.

This is a Court Order.



7 b. Prohibited items are:

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. You must:

- (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- (2) File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)

- d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

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.

This is a Court Order.

- 10 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.

- 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 Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 7b on page 3 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 firearms (guns) and firearm parts 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.

This is a Court Order.



- 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 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.
- 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.

This is a Court Order.



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).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 5a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order 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**

Name

Date of Birth

Sex

Race

Relation to
Person in **1**_____
_____☐ Additional persons to be protected are listed on Attachment 4.**This is not a Court Order—Do not place in court file.**

Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, Proof of Service by Mail.)

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①):

Fill in court name and street address:

Superior Court of California, County of

② Person From Whom Protection Is Sought

a. Your 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Court fills in case number when form is filed.

Case Number: _____

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

Hearing
Date

Date: _____ Time: _____

Dept.: _____ Room: _____

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ ☐ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested.
(Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (Specify below or in item ⑪ on page 3.)

④ ☐ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3.)
- c. ☐ I agree to the following orders (specify below or in item ⑪ on page 3):

⑤ ☐ Additional Protected Persons

- a. ☐ I agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.
- b. ☐ I do not agree that the persons listed in item ③ of form CH-100 may be protected by the order requested.



6 Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.

- a. ☐ I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. ☐ I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (Explain):
- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. ☐ I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.

A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

7 Possession and Protection of Animals

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c. ☐ I agree to the following orders (specify below or in item 11 on page 3):

8 Other Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
- c. ☐ I agree to the following orders (specify below or in item 11 on page 3):

9 Denial

I did not do anything described in item 7 of form CH-100. (Skip to 11.)



10 ☐ **Justification or Excuse**

If I did some or all of the things that the person in ① has accused me of, my actions were justified or excused for the following reasons (*explain*):

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

11 ☐ **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each order requested that you do not agree with.

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Disagree" as a title. You may use form MC-025, Attachment.



12 ☐ **No Fee for Filing**

- a. ☐ I request that I not be required to pay the filing fee because the person in **1** claims in form CH-100 item **13** to be entitled to free filing.
- b. ☐ I request that I not be required to pay the filing fee because I am eligible for a fee waiver. (Form FW-001, Request to Waive Court Fees, *must be filed separately.*)

13 ☐ **Lawyer's Fees and Costs**

- a. ☐ 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 and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

- b. ☐ I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

14 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

What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, or
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form CH-120, Response to Request for Civil Harassment Restraining Orders, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. Forms may also be at your local courthouse or county law library.

What if I don't obey the order?

The police can arrest you. You can go to jail and pay a fine.

Do I have to serve the other person with a copy of my response?

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form CH-250, Proof of Service by Mail. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on form CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

CH-109 Notice of Court Hearing

Clerk stamps date when court files 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: _____

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

Court file 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):

Name and address of court if different from above:

Hearing Date: _____ Time: _____
 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.)

Local Courts of California, www.courts.ca.gov
 Revisions to this form are posted on the
 Courts website at www.courts.ca.gov/forms
 Reprinted by _____

**Notice of Court Hearing
 (Civil Harassment Prevention)**

CH-109, Page 1 of 3



How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 for this.

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/CH-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form INT-300, Request for Interpreter (Civil), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form MC-410, Disability Accommodation Request, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, How to Request a Disability Accommodation for Court.

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

1 Petitioner

Name: _____

2 Restrained Person

a. Your 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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email 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: _____

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **4** or **5**. For more information on how to properly turn in your items, read form CH-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4**To Law Enforcement**(Complete the section below. Keep a copy and give the original to the person in **2**.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.

b. List of items (List all the items surrendered by the person in **2**. You may attach a separate form from your agency (e.g., a property report), use item **6**, or both. Check below if you have attached a separate form):

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item **6**.)

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

Signature of law enforcement agent: _____



5**To Licensed Gun Dealer***(Complete the section below. Keep a copy and give the original to the person in (2).)*

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ ☐ a.m. ☐ p.m.b. List of items *(List all the items surrendered by the person in (2). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use item (6). Check below if you have attached a separate form):*☐ Separate form is attached. *(If it does not include all surrendered items, list additional items in item (6).)*

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

► Signature of licensed gun dealer: _____

6☐ **List of Items Surrendered**

Firearms and firearm parts			Serial Number, if there is one	Sold	To be	
Make	Model				Stored	destroyed
(1) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6) _____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "CH-800, item 6" at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the boxes below):

a. ☐ I filed a *Receipt for Firearms and Firearm Parts* (form CH-800) or other proof for those items with the court on (date): _____

b. ☐ I am filing the proof for those firearms (guns) and firearm parts along with this proof.

c. ☐ I have not yet filed the proof for the other firearms (guns) and firearm parts.
(Explain why not):

Your signature

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

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.

1 Person Seeking Protection

Name: _____

2 Person From Whom Protection Is Sought

Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items ① or ③ of form CH-100.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.



Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

PROOF OF PERSONAL SERVICE**4** I gave the person in ② a copy of the forms checked below:

- a. ☐ CH-109, *Notice of Court Hearing*
- b. ☐ CH-110, *Temporary Restraining Order*
- c. ☐ CH-100, *Request for Civil Harassment Restraining Orders*
- d. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders* (blank form)
- e. ☐ CH-120-INFO, *How Can I Respond to a Request for Civil Harassment Restraining Orders?*
- f. ☐ CH-130, *Civil Harassment Restraining Order After Hearing*
- g. ☐ CH-250, *Proof of Service by Mail* (blank form)
- h. ☐ CH-800, *Receipt for Firearms and Firearm Parts* (blank form)
- i. ☐ Other (specify): _____

5 I personally gave copies of the documents checked above to the person in ②:

- a. On (date): _____ b. At (time): _____ ☐ a.m. ☐ p.m.
- c. At this address: _____

City: _____ State: _____ Zip: _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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 server's name

Server to sign here

What is "service"?

Service is the act of giving your court papers to the other party in your case. There are different ways to serve the other party: in person, by mail, and others.

Why do my court papers need to be served?

Before a judge can grant a civil harassment restraining order (that can last up to five years), the person you want a restraining order against must know about your request and have a chance to go to court to explain their side. Also, if a restraining order is in place, the police cannot arrest the restrained person for violating the restraining order until the restrained person is served with the order.

What is "personal service"?

Personal service is when someone, known as a server, personally delivers your court papers to the other party.

In most cases, these forms must be served on the other party by personal service:

- ▶ Form CH-109;
- ▶ Form CH-100;
- ▶ Form CH-110;
- ▶ Form CH-120 (leave this form blank);
- ▶ Form CH-120-INFO; and
- ▶ Form CH-250 (leave this form blank).

Who can serve my court papers?

Any adult who is not protected by the restraining order can serve your court papers. **You cannot serve your own court papers.**



Some situations may be dangerous. Think about people's safety when deciding who you want to serve your papers.

A sheriff or marshal will serve your court papers for free if:

- The court granted you a fee waiver; or
- The restraining order is based on stalking, violence, or a credible threat of violence.

A registered process server is a business you pay to deliver papers. To hire a process server, look for "process server" on the internet or in the yellow pages.

How do I have my court papers served?

○ Step 1: Choose a server

The person who gives your court papers to the other party is called a server. Your server must be at least 18-years-old. They must not be protected by the restraining order or involved in your case. This means that you cannot serve your own court papers.

○ Step 2: Have your server give your court papers to the other party

Give your server these instructions:

- ① Before you serve the forms, note which forms you have, including the name of the form and the form number. See form CH-200 for a list of forms.
- ② Find the person you need to serve. Make sure you are serving the right person by asking the person's name.
- ③ Give the person the papers. If the person refuses to take the papers, put them on the ground or somewhere next to the person. The person doesn't have to touch or sign for the papers. It is okay if they tear them up.
- ④ Fill out form CH-200 completely and sign.
- ⑤ File form CH-200 with the court or give form CH-200 to the person who is asking for the restraining order so they can file it.

○ Step 3: File proof with the court

The court needs proof that service happened and that it was done correctly. If your server was successful, have your server fully complete and sign form CH-200. **The person you want restrained does not sign anything.**

File form CH-200 with the court in your case as soon as possible. This information will automatically go into a restraining order database that police have access to.

If the sheriff or marshal served your court papers, they may use another form for proof besides form CH-200. Make sure a copy is filed with the court and that you get a copy.

When is the deadline to serve my court papers?

It depends. To know the exact date, you need to look at two items on form CH-109. Follow these steps:

- **Step 1: Look at the court date listed under ③ on page 1.**

③ Notice of Court Hearing
A court hearing is scheduled on

Hearing Date → Date: _____
Dept.: _____

- **Step 2: Look at the number of days written in ⑥ on page 2.**

⑥ Service of Documents by the Person
At least ☐ five ☐ ___ days before the

- **Step 3: Look at a calendar.** Subtract the number of days in ⑥ from the court date. That's the deadline to have your court papers served. It's okay to serve your court papers before the deadline.

If nothing is written in ⑥, you must have your court papers served at least five days before your court date.

What happens if I can't get my court papers served before the court date?

You will need to ask the court to reschedule (continue) your court date. Fill out and file form CH-115 and form CH-116. These forms ask the judge for a new court date and to make any temporary orders last until the end of the new court date.

If the judge gives you a new court date, the person you want restrained will have to be served with form CH-115, form CH-116, and the original papers you filed. You should keep a copy of form CH-115, form CH-116, and a copy of your original paperwork. That way, the police will know your orders are still in effect.

For more information on asking for a new court date, read form CH-115-INFO.

What if the other party is avoiding (evading) service or cannot be located?

If you've tried many times to serve the the restrained person, and you can show the judge that the restrained person is avoiding (evading) service or cannot be located, you may ask the court to allow you to serve another way. If you want to make this request, at your first court date tell the judge details about your attempts to have the restrained person served. The judge may require a written statement for this.

Read form CH-205-INFO, *What If the Person I Want Protection from Is Avoiding (Evading) Service or Cannot Be Located?*, for more information.