

Starting Your Civil Harassment Restraining Order

These forms can be used to ask the court to make orders to protect you if there has been recent violence or harassment (in the past 30 days).

Some examples of violence or harassment are hitting, shoving, grabbing, and restraining movement or threats with a past history of violence; repeated telephone calling, stalking, showing up at other party's place of business more than a couple of times, following home and parking in front of home or any act which is intended to harass or intimidate the other person. If you are a victim of violence or harassment by someone you can use these forms to ask the court to give you a protective order keeping the violent or harassing person away from you

YOU CAN USE THESE FORMS IF YOU ARE NOT RELATED TO THE PERSON OR HAVE NO PRIOR RELATIONSHIP WITH THE PERSON COMMITTING VIOLENT ACTS AGAINST YOU OR HARASSING YOU. IF YOU ARE NOT RELATED TO THE PERSON AND HAVE NO PRIOR RELATIONSHIP WITH THEM YOU MUST FILE THESE PAPERS IN THE CIVIL DEPARTMENT.

YOU CAN USE THESE FORMS IF YOU ARE NOT CLOSELY RELATED TO OR HAVE A PRIOR RELATIONSHIP WITH THE PERSON HARASSING YOU. IF YOU ARE RELATED TO OR HAVE A PRIOR RELATIONSHIP WITH THE PERSON HARRASING YOU, YOU MUST FILE THESE PAPERS IN THE FAMILY LAW DEPARTMENT.

IF THERE HAS BEEN PHYSICAL VIOLENCE OR THREATS OF PHYSICAL VIOLENCE AND YOU ARE CLOSELY RELATED TO OR HAVE A PRIOR RELATIONSHIP WITH THE PERSON COMMITTING THE VIOLENCE OR MAKING THE THREATS, YOU SHOULD FILE A DOMESTIC VIOLENCE RESTRAINING ORDER.

The Temporary Restraining Order is usually granted for 25 days pending a hearing. The Temporary Restraining Order can keep the harassing person away from you, where you live, your job, and can stop all contact including stalking and telephone calls. At the hearing the court may then make a 3-year order keeping the harassing person away from you.

NOTE: The Centro de Recursos Legales (Spanish Self-Help Center) can review your documents and assist you in correcting any mistakes before you submit your forms to the court.

NOTICE

CIVIL HARASSMENT CASES

**YOUR RESTRAINING ORDER MAY BE INVALID
IF IT CONTRADICTS ANY
PREVIOUSLY MADE COURT ORDER.**

If anyone involved in this action has any prior family law related cases (divorce, domestic violence, paternity, etc.), the court case name and number must be included in item 14 (entitled "Other Court Cases") on the Request for Orders to Stop Harassment.

INTERPRETERS

It is your responsibility to provide your own interpreter if one is needed. The court provides sign language interpreters only.

SERVING A TEMPORARY RESTRAINING ORDER

Defendant must be personally served with Request for Orders to Stop Harassment at least 5 days before the court hearing.

IMPORTANT

- **If the date of birth of the defendant(s)** is not shown on the Request for Orders to Stop Harassment, item 2, or the Restraining Order After Hearing to Stop Harassment, item 2, **the Sheriff's Department will be unable to identify the defendant(s) to properly enforce your Restraining Order.**
- The following documents must be served on the defendant(s):
 - CH-120:** Notice of Hearing and Temporary Restraining Order (CLETS) (completed and file-stamped)
 - CH-100:** Request for Orders to Stop Harassment (completed and file-stamped)
 - CH-110:** Answer to Request for Orders to Stop Harassment (blank form)
 - CH-145:** Proof of Firearms Turned in or Sold (blank form)
 - CH-151:** How Can I Answer a Request for Orders to Stop Harassment.

What is a Civil Harassment Restraining Order?

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

Can I get a Civil Harassment Restraining Order?

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

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

How will the order help me?

The court can order a person to:

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

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

What forms do I need to get the order?

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

Where can I get these forms?

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

How soon can I get the order?

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

How long does the order last?

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

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

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

What if the restrained person does not obey the order?

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

How much does it cost?

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

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

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

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

Requests for Accommodations

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



Do I have to go to court?

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

Do I need a lawyer?

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

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

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

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

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

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

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

What if I am deaf?

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

What if I move?

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

Need more information?

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

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California
County of Fresno**

Court fills in case number when form is filed.

Case Number:

1 Name of person asking for protection:

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

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

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

2 Name of person to be restrained:

Description of that person:

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

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

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

3 **Notice of Hearing**

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

Name and address of court if different from above:

**Hearing
Date** →

Date: _____ Time: _____

Dept.: _____ Rm.: _____

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

4 **Court Orders**

The court (check a or b):

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

This is a Court Order.



Your name: _____

Temporary Orders Against the Restrained Person

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

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

5 **Personal Conduct Orders**

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

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

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

6 **Stay-Away Order**

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

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

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

7 **No Guns or Other Firearms**

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

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

You must:

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

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

This is a Court Order.



Your name: _____

10 **Other Protected Persons**

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

Instructions for the Protected Person

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

11 **Service of Order on Law Enforcement**

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

Name of Law Enforcement Agency:

Address (City, State, Zip)

12 **Service of Documents**

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

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

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

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

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

14 **No Fee for Filing**

Filing fees are waived.

This is a Court Order.



Your name: _____

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

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

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

Date: _____

▶

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

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



Requests for Accommodations

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

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

1 Your name (person asking for protection):

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

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

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

Fill in court name and street address:

**Superior Court of California
County of Fresno**

2 Name of person you want protection from:

Describe the person: Sex: M F Weight: _____

Height: _____ Race: _____ Hair Color: _____

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

Home Address (if you know): _____

City: _____ State: _____ Zip: _____

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

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

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

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

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

The person in 2 lives in this county.

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

Other (specify): _____

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

This is not a Court Order.



Your name: _____

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

Check the orders you want

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

- 8 **Stay-Away Orders**
- I ask the court to order the person in 2 to stay at least (specify): _____ yards away from me and the people listed in 3 and the places listed below: (Check all that apply):
- a. My home
- b. My job or workplace
- c. My children's school or child care
- d. My vehicle
- e. Other (specify): _____

If the court orders the person in 2 to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? Yes No

If no, explain: _____

This is not a Court Order.



Your name: _____

9 **Others to Be Protected**

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

Yes No Does not apply

If yes, explain: _____

10 **Order About Guns or Other Firearms**

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

11 **Other Orders**

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

12 **Temporary Orders**

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

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

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

13 **Delivery of Orders to Law Enforcement**

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

a. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

b. Name of Agency: _____

Address: _____

City: _____ State: _____ Zip: _____

14 **Other Court Cases**

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

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

This is not a Court Order.



Your name: _____

15 **Time for Service**

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

16 **No Fee for Filing**

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

17 **No Fee to Serve Orders**

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

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

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

18 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

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

The amounts requested are:

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

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

19 **Additional Relief**

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

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

Date: _____

Lawyer's name

Lawyer's signature

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

Date: _____

Type or print your name

Sign your name

This is not a Court Order.

*Clerk stamps date here when form is filed.***1** Name of person asking for protection:

2 Your name:

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

City: _____ State: _____ Zip: _____

Your telephone (optional): (_____) _____

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

Fill in court name and street address:

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*Fill in case number:***Case Number:**

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3 To the person selling or turning in firearms:

If the court has ordered you to sell or turn in your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask law enforcement or the licensed gun dealer to complete item **4** or **5** and item **6**. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-151.

4 To: Law Enforcement

Fill out items **4** and **6** of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in **6** were turned in on:Date: _____ at: _____ a.m. p.m.To: _____
*Name and title of law enforcement agent*_____
*Name of law enforcement agency*_____
Address

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**

Fill out items **5** and **6** of this form. Keep a copy and give the original to the person who sold the firearms to you.

The firearms listed in **6** were sold on:Date: _____ at: _____ a.m. p.m.To: _____
*Name of licensed gun dealer*_____
License number (_____) _____
*Telephone*_____
Address

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

Case Number: _____

Your name: _____

6	Firearms Make	Model	Serial Number
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-145, Item 6—Firearms Turned In or Sold" at the top. Include make, model, and serial number for all firearms.

7 Do you have, own, possess or control any other firearms besides the firearms listed in 6? Yes No

8 If you answered yes to 7, have you sold or transferred those other firearms? Yes No

If yes, check one of the boxes below:

- a. I filed the *Proof of Firearms Turned In or Sold* for those firearms with the court on (date): _____
- b. I am filing the Proof for those firearms along with this Proof.
- c. I have not yet filed the Proof for the other firearms. (Explain why not): _____

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

What is a Civil Harassment Restraining Order?

It is a court order.

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 guns while the order is in effect

Who can ask for a Civil Harassment Restraining Order?

A person who is worried about safety because they are being:

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

How long does the order last?

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

What if I don't obey the order?

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

What if I do not 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-110 before your hearing date and file it with the court.

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

Yes. Have someone—other than yourself—mail a copy of completed Form CH-110 to the person who asked for the order (or that person's lawyer). (This is called "Service.")

The person who serves the form by mail must fill out Form CH-131, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form CH-120. If you do not go to court, the judge can make orders without hearing from you.

CH-120

Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed

① Name of person asking for protection: _____

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

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

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

② Name of person to be restrained: _____

Description of that person:

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

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

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

③ **Notice of Hearing**
A court hearing is scheduled on the request for orders against you to stop harassment:

Name and address of court if different from above: _____

Hearing Date	Date	Time	_____
Dep.	Rm.	_____	_____

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

④ **Court Orders**
The court (check a or b):

a. Has scheduled the hearing stated in ③. No orders are issued against you at this time

b. Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order

Judicial Council of California, www.courtinfo.ca.gov
Revised January 1, 2005. Mandatory Form
Code of Civil Procedure, §§ 52.7 and 52.7.1
Approved by D.C.

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

16



Do I need a lawyer?

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

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

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

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

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

Need more information?

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

For help in your area, contact:

[Local information may be inserted]

Requests for Accommodations

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



Clerk stamps date here when form is filed.

1 Name of person who asked for the order:

2 Your name: _____

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

City: _____ State: _____ Zip: _____

Your telephone (optional): (____) _____

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

Fill in court name and street address:

Fill in case number:

Case Number: _____

Use this form to give the court your answers to CH-100

- Read Form CH-151 to protect your rights.
- Fill out this form and then take it to the court clerk.
- Serve the person in ① with a copy of this form and any attached pages.

3 **Personal Conduct Orders**

- a. I agree to the order requested.
- b. I do not agree to the order requested.
- c. I agree to the following order (specify):

The court will consider your Answer at the hearing. Write your hearing date and time here:

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

You must obey the court's orders until the hearing. If you do not come to this hearing, the court may make the orders requested against you last for up to 3 years.

4 **Stay Away Orders**

- a. I agree to the order requested.
- b. I do not agree to the order requested.
- c. I agree to the following order (specify):

5 **Turn In Guns or Other Firearms**

- a. I do not own or have any guns or firearms.
- b. I agree to the order requested.
- c. I do not agree to the order requested.
- d. I agree to the following order (specify):

6 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (specify):



Your name: _____

7 **Emotional Distress**

a. The person in ① has not suffered emotional distress. *(Explain):* _____

b. A reasonable person in the same position as the person in ① would not have suffered emotional distress. *(Explain):* _____

c. If the person in ① has suffered any emotional distress, it is not because of what that person has accused me of doing. *(Explain):* _____

8 **Purpose of Actions**

What I did to the person in ①—if anything—was not done on purpose.

9 **Denial**

a. I did not do anything described in ⑥ of Form CH-100. *(Skip to ⑪.)*

b. I did some or all of the things described in ⑥ of Form CH-100. *(Explain in ⑩–⑪.)*

10 **Reason or Excuse**

I have done some or all of the things the person in ① has accused me of, but:

a. What I did was legal. *(Explain):* _____

b. I had a good reason for doing these things. *(Explain):* _____

c. I have other reasons to justify what I did. *(Explain):* _____

11 **The court should not make an order against me because:** *(List facts or reasons below):*

Check here if you need more space. Attach a sheet of paper and write "CH-110, Item 11— Facts and Reasons" at the top. Give specific facts and reasons.



Case Number: _____

Your name: _____

12 **No Fee for Filing**

I ask the court to waive the filing fee because the person in ① claims that I have used or threatened to use violence against them or have acted in some other way that would make them reasonably fear violence.

13 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

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

because the temporary restraining order was issued without enough supporting facts.

The amounts requested are:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

14 **Other Relief**

I ask for additional relief as may be proper.

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

Date: _____

Attorney's name

▶

Attorney's 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

What is “service”?

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” the *Notice of Hearing and Temporary Restraining Order* (CH-120) and the *Request for Orders to Stop Harassment* (CH-100) must be served “in person.”

That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to answer

Who can serve?

Ask someone you know, a process server, or law enforcement to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail.

The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

The sheriff or marshal may be authorized to serve the court’s orders *for free* if the orders are based on claims of stalking or threat of sexual assault or if you are eligible for a fee waiver.

A “registered process server” is a business you pay to deliver court forms. Look in the Yellow Pages, under “Process Serving.”

(If law enforcement or the process server uses a different Proof of Service form, make sure it lists the forms served.)



Don't serve it by mail!

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it’s the right person.
- Give the person copies of all papers checked on Form CH-130, the Proof of Service form..
- Fill out and sign the Proof of Service form.
- Give the signed Proof of Service to you.

What if the person won’t take the papers or tears them up?

The server must attempt to make personal delivery even if the person won't take the papers. It doesn't matter if the person tears them up.

Who signs the Proof of Service?

Only the person who serves the orders can sign the Proof of Service. You do not sign Form CH-130. The restrained person does not sign this form.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form CH-120:

First, look at the hearing date on page 1 of CH-120.

Diagram illustrating the hearing date section of Form CH-120. A circled '3' points to the text 'To the person in (2): Notice of Hearing'. Below this, it says 'A court hearing is scheduled on the request for orders'. A box labeled 'Hearing Date' has an arrow pointing to a 'Date:' field and a 'Dept.:' field.

Next, look at the number of days written in (13) on page 3.

Diagram illustrating the time for service section of Form CH-120. A circled '13' points to the text 'Time for Service (check a, b, or c)'. Below this are three options, each with a checkbox:

- a. A copy of the documents listed in at least 5 days before the hearing.
- b. A copy of the documents listed in at least 2 days before the hearing.
- c. A copy of the documents listed in at least ____ days before the hearing.

Look at a calendar. Subtract the number of days in (13) from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is checked or written in (13), you must serve the orders at least 5 days before the hearing.

Why do I have to get the orders served?

- The *police cannot arrest* anyone for violating an order *unless* that person knows about the order.
- The *judge cannot make the orders permanent* unless the restrained person was served.

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file *Reissue Temporary Restraining Order* (Form CH-125). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form.

After the court has reissued the orders, you *must* attach a copy of CH-125 to a copy of your original orders. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date.

What do I do with the completed Proof of Service?

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to your local police. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed Proof of Service (form CH-130) to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Fill in case number:

Case Number:

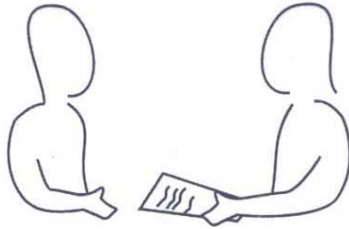
1 Name of person asking for protection:

2 Name of person you want protection from:

3 **Notice to Server**

The server must:

- Be over 18 years of age.
- Not be listed on the restraining order.
- 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.

PROOF OF PERSONAL SERVICE

4 I gave the person in 2 a copy of the documents checked below:

- a. CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)*
- b. CH-100, *Request for Orders to Stop Harassment*
- c. CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. CH-140, *Restraining Order After Hearing to Stop Harassment*
- g. 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

Clerk stamps date here when form is filed.

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

City: _____ State: _____ Zip: _____

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

Fill in court name and street address:

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

Fill in case number:

Case Number:

Description:

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

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

3 **Hearing**

There was a hearing:

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

These people were at the hearing:

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

4 **This Is a Court Order**

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

5 **Expiration Date**

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

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

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

This is a Court Order.

Your name: _____

6 **Personal Conduct Orders**

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

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

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

7 **Stay-Away Order**

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

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

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

8 **No Guns or Other Firearms**

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

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

You must:

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

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

11 **Other Protected Persons**

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

This is a Court Order.

Your name: _____

Instructions for the Protected Person

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

12 **Delivery to Law Enforcement**

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

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

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

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

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

Date: _____ ▶

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

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

Instructions for Law Enforcement

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

(Clerk will fill out this part)

Clerk's Certificate

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.