

Responding to a Civil Harassment Restraining Order

These forms can be used to respond to a request for a Civil Harassment Restraining Order. If you disagree with the orders that the other person is requesting, you should complete the **“Answer to Request for Orders to Stop Harassment”** [CH-110] and have someone over the age of 18 other than you serve a copy of the **Answer** on the person who is seeking the Restraining Order. The copy may be served by mail. The person who mails the copy to the other party must complete a **“Proof of Service by Mail”** [CH-131] and you must file that **Proof of Service** with the court along with the original **Answer**. The **Answer** and **Proof of Service** must be filed before the hearing.

Note: you should carefully read all the information on the **“How Can I Answer a Request for Orders to Stop Harassment”** [CH-151] before completing your answer.

You must attend the hearing if you wish to be heard on the issues requested in the documents that you received from the person who wants the restraining order against you. At the hearing the court may make a 3-year order keeping you away from the person asking for the Restraining Order. If you do not attend the hearing the court will not hear your side of the story.

This packet includes a **“How Can I Answer a Request for Orders to Stop Harassment”** [CH-151] an **“Answer to Request for Orders to Stop Harassment”** [CH-110] and a **“Proof of Service by Mail”** [CH-131].

Note: The Family Law Facilitator can review your documents and assist you in correcting any mistakes before you submit your forms to the court. You may wish to speak with a private attorney regarding your rights before you complete these documents, especially if there are criminal charges that may be pending against you.

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): _____

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 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. Replaces Form CH-120, 1999.

Code of Civil Procedure, §§ 52.7 & 52.7.1

Approved by D.C.

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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

Clerk stamps date here when form is filed.

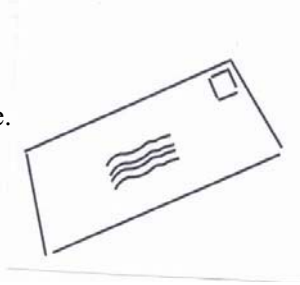
① Name of person asking for protection:

② Your name:

③ Notice to Server

The server must:

- Be over 18 years of age.
- Be a resident or employed in the county where the mailing took place.
- Not be a party in the case.
- Mail a copy of all documents checked in ④ to the person in ①. Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

④ I am over 18 years of age and am a resident or employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a. CH-110, *Answer to Request for Orders to Stop Harassment*
- b. Other (*specify*):

⑤ I placed copies of the documents checked above in a sealed envelope and mailed them as described below:

- a. Mailed from (*City*): _____ (*State*): _____
- b. On (*Date*): _____
- c. To 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