

a.  plaintiff (*name*):

b.  defendant (*name*):

c.  petitioner (*name*):

d.  respondent (*name*):

e.  other (*describe*):

2. The electronic service address of the person identified in item 1 is (*specify*):

(SIGNATURE OF PARTY OR ATTORNEY)

**PROOF OF ELECTRONIC SERVICE**

***CONSENT TO ELECTRONIC SERVICE AND NOTICE OF ELECTRONIC SERVICE ADDRESS***

- ☐ Electronic service of the *Consent to Electronic Service and Notice of Electronic Service Address* on additional persons is described in an attachment.

Date:

(SIGNATURE OF DECLARANT)

**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 retail crime restraining order?**

It is a court order that prohibits an individual from going to a specific business or locations of a business chain or franchise, based on prior crimes committed or alleged to have been committed by the individual.

A retail crime restraining order may be issued in a criminal or civil case. These instructions address retail theft restraining orders in the civil context only.

### **Can I get a retail crime restraining order?**

A retail business can ask for a retail crime restraining order if somebody has been arrested two or more times for shoplifting, theft, vandalism, or assault or battery of a business employee with the same retail establishment and the person who was arrested is likely to return to the business. A prosecuting attorney, a city attorney, county counsel, or a lawyer representing the business must file the petition for a retail crime restraining order.

### **How will the order help me?**

The court can order a person not to enter or be on the grounds of a business.

In a retail theft case, the court cannot:

- Order a person to pay money that they owe you
- Order someone to move out of rental property that you own
- Order someone to stop creating a nuisance

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

### **Do I need a lawyer?**

Yes. Only lawyers may ask for retail crime restraining orders.

### **What forms do I need to get the order?**

Your lawyer must fill out all of form [RT-100](#), *Petition for Retail Crime Restraining Order* and form [CLETS-001](#), *Confidential Information for Law Enforcement*. If they need attachments, they may use form [MC-025](#). They must also fill out items 1, 2, and 3 on form [RT-109](#), *Notice of Court Hearing*.

### **Where can I get these forms?**

Your lawyer can get the forms from legal publishers or from the California Courts website at [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms). Your lawyer also may be able to find them at your local courthouse or county law library.

### **What do I need to get the order?**

Your lawyer must go to the superior court in the county where the business is located or where the person to be restrained lives. At the court, your lawyer should ask where to file a request for a retail crime restraining order.

After your lawyer files a request with the court clerk, the clerk will give your lawyer a hearing date on the *Notice of Court Hearing* form.

### **How long does the order last?**

A retail crime restraining order could last up to two years.

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

Someone age 18 or older, who is not involved in this case, must serve (give) the person to be restrained a copy of the order. The server should then fill out form [POS-020](#), *Proof of Personal Service—Civil*, and give it to your lawyer to file with the court.

### **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?**

Your lawyer must go to court on the date provided by the clerk.

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

Witnesses are not required, but it helps to have more proof of the arrests and the likelihood of the person returning than just your word. The court may or may not let witnesses speak at the hearing. So, if possible, your lawyer should bring their statements under oath to the hearing. (Your lawyer can use form [MC-030](#), *Declaration*, for this.)

**What happens after the hearing?**

If the court grants the restraining order, the judicial officer may ask your lawyer to fill out form [RT-130](#), *Retail Crime Restraining Order*, and return it to the court.

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court your lawyer can use form [MC-410](#), *Disability Accommodation Request*, to make your request. Your lawyer 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 if I don't speak English?**

When you file your papers, have your lawyer ask the clerk if a court interpreter is available. Your lawyer 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 [selfhelp.courts.ca.gov/request-interpreter](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 judicial officer can change or cancel it. Your lawyer or the restrained person would have to file a request with the court to cancel the order.

**For help in your area, contact:**

*[Local information may be inserted.]*

**Petition for Retail Crime  
Restraining Order**

Clerk stamps date here when form is filed.

This petition must be filed by an attorney as required by Penal Code section 490.8(e). Also fill out *Confidential Information for Law Enforcement* (form [CLETS-001](#)) with as much information as you know.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:****1 Retail Establishment**

Name: \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

☐ This establishment is a chain or franchise.**2 Attorney Filing Petition**

a. Name: \_\_\_\_\_

is a ☐ Prosecuting Attorney☐ City Attorney☐ County Counsel☐ Attorney Representing a Retail Establishment

b. State Bar No.: \_\_\_\_\_

Office or Firm Name: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

c. Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**3 Respondent (Person From Whom Protection Is Sought)**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4 Venue**

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

a. ☐ The respondent lives in this county.b. ☐ The retail establishment is located in this county.c. ☐ Other (specify): \_\_\_\_\_**This is not a Court Order.**



7

Explain why you believe respondent is likely to return to the retail establishment.

☐ Response is stated in Attachment 7.

[illegible]

8

- a. I ask the court to order the respondent **not** to enter the retail establishment named in (2), be present on the grounds of the retail establishment named in (2), or be present on any parking lot next to and used for the retail establishment named in (2).
- b. ☐ The retail establishment named in (2) is a chain or franchise. I ask the court to include all retail establishments in the chain or franchise located in the State of California within \_\_\_\_\_ miles of the address provided in (2) to be included in the order. Those establishments are located at the following addresses (*list addresses*):

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☐ Additional addresses are listed in Attachment 8.

9

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

☐ Additional orders requested are stated in Attachment 9.

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**This is not a Court Order.**

Case Number:

10 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: \_\_\_\_\_

\_\_\_\_\_  
*Name of retail establishment*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Title*

**This is not a Court Order.**



Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

**1 Restrained Person**

(Information that has a star (\*) next to it is required to add this order into the California Restraining and Protective Order System. Please provide all known information.)

\*Name: \_\_\_\_\_

\*Gender: ☐ M ☐ F ☐ Nonbinary \*Race: \_\_\_\_\_

\*Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

**2 Protected Retail Establishment**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Additional addresses: The court finds that the retail establishment is part of a chain or franchise and includes the following additional establishments in the State of California within \_\_\_\_\_ miles of the address above: (list addresses):

☐ Additional addresses are listed in Attachment 2.

**3 Expiration Date**This order expires on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ ☐ a.m. ☐ p.m. ☐ midnight

If no expiration date is written here, this Order expires two years from the date of issuance.

**4 Hearing**

a. This proceeding was heard on (date): \_\_\_\_\_ at (time): \_\_\_\_\_  
in Dept.: \_\_\_\_\_ by (judicial officer): \_\_\_\_\_

b. These people were at the hearing:

(1) ☐ The person in ①.(2) ☐ The lawyer for the retail establishment in ② (name): \_\_\_\_\_(3) ☐ The lawyer for the person in ① (name): \_\_\_\_\_☐ Additional persons present are listed at the end of this Order on Attachment 4.**This is a Court Order.**

**5 Stay-Away Order**

The restrained person must not:

- Enter the retail establishment named in ②.
- Be present on the grounds of the retail establishment named in ②.
- Be present on any parking lot next to and used for the retail establishment named in ②.

Not obeying this order can result in being arrested and charged with a crime and can include up to six months in jail.

**6 Service**

- a. ☐ The restrained person personally attended the hearing. No other proof of service is needed.
- b. ☐ The restrained person did not attend the hearing. Law enforcement or someone who is at least 18 years old and not a party to the action must personally serve a copy of this Order on the restrained person.

7 Number of pages attached to this Order, if any: \_\_\_\_\_

**To the Petitioner for the Protected Retail Establishment:****8 Mandatory Entry of Order Into CARPOS Through CLETS**

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

- a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. ☐ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. ☐ By the close of business on the date that this Order is made, the petitioner for the protected retail establishment 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 8.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**

## 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 Order System (CARPOS). 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 (see ④), 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 2 and *ends* on the expiration date in ③ on page 1.

### Notice/Proof of Service

The law enforcement officer must first determine if the restrained person had notice of the order. If notice cannot be verified, the officer must advise the restrained person of the terms of the order and then enforce it. (Fam. Code, § 6383(e).)

Consider the restrained person served (given notice) if:

- 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 at the hearing or 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.

### Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected party 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 also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code section 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 also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment, retail crime), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

Clerk's Certificate  
[seal]

(Clerk will fill out this part.)

#### —Clerk's Certificate—

I certify that this *Retail Crime 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 Retail Establishment**

Name: \_\_\_\_\_

DBA (if applicable): \_\_\_\_\_

**2 Attorney Filing Petition**

a. Name: \_\_\_\_\_

State Bar No.: \_\_\_\_\_

Firm or Office Name: \_\_\_\_\_

b. Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

**3 Respondent**

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.***4 Notice of Hearing****A court hearing is scheduled on the request for restraining order against the respondent:****Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court if different from above:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**To the person in ③:**

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order, which could last up to two years. After you receive a copy of the order, you could be arrested if you violate the order.



**5 Service of Documents by Petitioner**

At least ☐ five ☐ \_\_\_\_\_ days before the hearing, someone age 18 or older—not anyone involved in the case—must personally give (serve) a court file-stamped copy of this form RT-109 to the respondent along with a copy of all the forms indicated below:

- a. RT-100, *Petition for Retail Crime Restraining Order* (file-stamped)
- b. [RT-120](#), *Response to Petition for Retail Crime Restraining Order* (blank form)
- c. [RT-120-INFO](#), *How Can I Respond to a Petition for Retail Crime Restraining Order?*
- d. ☐ Other (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
*Judicial Officer*

**To the Petitioner:**

- The court cannot make the restraining orders after the court hearing unless the respondent has been personally given (served) a copy of your request. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form POS-020, *Proof of Personal Service—Civil*, may be used. File the completed form with the court before the hearing, and bring a copy with you to the court hearing.
- Your attorney must attend the hearing if you want the judge to make any of the orders you requested on form RT-100, *Petition for Retail Crime Restraining Order*. Bring any evidence or witnesses you have.
- For more information, read form RT-100-INFO, *How Do I Get an Order to Prohibit Retail Crime?*

**To the Respondent:**

- If you want to respond to the request for orders in writing, file form [RT-120](#), *Response to Petition for Retail Crime Restraining Order*, and have someone age 18 or older—**not you or anyone involved in the case**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form POS-030, *Proof of Service by First-Class Mail—Civil*, 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.
- You are entitled to representation by court-appointed counsel. You may request such representation on form RT-120, *Response to Petition for Retail Crime Restraining Order*.
- For more information, read form RT-120-INFO, *How Can I Respond to a Petition for Retail Crime Restraining Order?*

**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 [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-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

**Instructions:** Use this form to ask the court to reschedule the court date listed on *Notice of Court Hearing* (form [RT-109](#)).

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

## 1 My Information

a. My name is: \_\_\_\_\_

b. I am the:

(1) ☐ **Petitioner** (skip to 2).

(2) ☐ **Respondent** (give your contact information below).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

My contact information (optional):

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Lawyer's information (skip if you do not have one):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

## 2 Information About My Case

a. The other party in my case is:

☐ Retail Establishment ☐ Respondent

Name (see form RT-100): \_\_\_\_\_

b. I have a court date currently scheduled for (date): \_\_\_\_\_

**This is not a Court Order.**



**3 Why Does the Court Date Need to Be Rescheduled?**

- a. ☐ I am the petitioner, and I need more time to have the respondent personally served.
- b. ☐ I am the respondent, and I have requested court-appointed counsel that has not been appointed yet.
- c. ☐ Other reason: \_\_\_\_\_

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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*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Lawyer's name, if you have one*



\_\_\_\_\_  
*Lawyer's signature*

**This is not a Court Order.**



Complete ① and ② only.

① **Retail Establishment:** \_\_\_\_\_② **Respondent:** \_\_\_\_\_

The court will complete the rest of this form

③ **Next Court Date**

- a.
- ☐
- The request to reschedule the court date is
- denied**
- .

Your court date is: \_\_\_\_\_

Your court date is not rescheduled because:

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Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Fill in case number:

Case Number: \_\_\_\_\_

- b.
- ☐
- The request to reschedule the court date is
- granted**
- . Your court date is rescheduled for the date and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New  
Court  
Date→ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
\_\_\_\_\_④ **Reason Court Date Is Rescheduled**

- a.
- ☐
- There is good cause to reschedule the court date (
- check one*
- ):

(1) ☐ The petitioner has not served the respondent.(2) ☐ Other:

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- b.
- ☐
- The respondent requested court-appointed counsel that has not been appointed yet.

- c.
- ☐
- The court reschedules the court date on its own motion.

**This is a Court Order.**

**5 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a. ☐ **Retail Establishment**b. ☐ **Respondent**c. ☐ **Court**

(1) ☐ You do not have to serve the respondent because they, or their lawyer, were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the respondent personally served with a copy of this order and a copy of all documents listed on form [RT-109](#), item **5**, by (date): \_\_\_\_\_

(3) ☐ You must have the respondent served with a copy of this order. This can be done by mail. You must serve by (date): \_\_\_\_\_

(4) ☐ Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(1) ☐ You do not have to serve the retail establishment because they, or their lawyer, were at the court date or agreed to reschedule the court date.

(2) ☐ You must have the retail establishment personally served with a copy of this order by (date): \_\_\_\_\_

(3) ☐ You must have the retail establishment served with a copy of this order. This can be done by mail. You must serve by (date): \_\_\_\_\_

(4) ☐ Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(1) ☐ Further notice is not required.

(2) ☐ The court will mail a copy of this order to all parties by (date): \_\_\_\_\_

(3) ☐ Other:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is a Court Order.**

**6** ☐ **Other Orders**

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Date: 

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*Judicial Officer***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 [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms) for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

*Clerk's Certificate*  
[seal]*(Clerk will fill out this part.)*  
**—Clerk's Certificate—**

I certify that this *Order on Request to Continue Hearing* is a true and correct copy of the original on file in the court.

Date: 

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 Clerk, by 

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, Deputy**This is a Court Order.**