

# 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 “**Response to Request for Civil Harassment Restraining Order**” [CH-120] and have someone over the age of 18 other than you serve a copy of the **Response** 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-250] and you must file that **Proof of Service** with the court along with the original **Response**. The **Response** and **Proof of Service** must be filed before the hearing.

Note: you should carefully read all the information on the “**How Can I Request for Civil Harassment Restraining Order**” [CH-120-INFO] before completing your response.

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 Request for Civil Harassment Restraining Order**” [CH-120-INFO] a “**Response to Request for Civil Harassment Restraining Order**” [CH-120], a “**Proof of Service by Mail**” [CH-250], a “**Proof of Service by Hand**” [CH-800-INFO], and a “**Proof of Service by First Class Mail**” [CH-800].

Note: The civil self help center 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.

## How Can I Respond to a Request for Civil Harassment Restraining Orders?

### 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 guns as long as the order is in effect

### 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 obey the order?

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

### 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 on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

### 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 of Response 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 here when form is filed.

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**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 you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, and e-mail.):

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

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

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

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:  
 Superior Court of California, County of \_\_\_\_\_  
 Fill in case number:  
 Case Number: \_\_\_\_\_

**2 Person From Whom Protection is Sought**

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

*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** :

<b>Hearing Date</b>	Date: _____	Time: _____	Name and address of court if different from above: _____
	Dept.: _____	Room: _____	_____

**4 Temporary Restraining Orders** (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form CH-100, *Request for Orders to Stop Harassment*, 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.)

Judicial Council of California, www.courts.ca.gov  
 Revised January 1, 2012, Mandatory Form  
 Code of Civil Procedure, § 527.6 Approved by DOJ

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 three 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.

**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 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 should ask someone age 18 or older to interpret for you.

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to 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 am deaf or hard of hearing?**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

Clerk stamps date here when form is filed.

**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 of Response by Mail.)

**① Person Seeking Protection**

Name of person seeking protection (see Form CH-100, item ①):

**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 e-mail.):

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

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

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

E-Mail Address: \_\_\_\_\_

**③  Personal Conduct 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):

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

**④  Stay-Away 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):

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

**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.

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**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 three years.



**6 Guns or Other Firearms and Ammunition**

If you were served with Form CH-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. You must turn in any guns or firearms in your immediate possession or control and file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received Form CH-110. (See item 7 of Form CH-110.) You may use Form CH-800, *Proof of Firearms Turned In or Sold*, for the receipt.

- a.  I do not own or control any guns or firearms.
- b.  I have turned in my guns and firearms to the police or sold them to a licensed gun dealer.  
 A copy of the receipt  is attached.  has already been filed with the court.

**7  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*): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**8  Denial**

I did not do anything described in item 7 of Form CH-100. (*Skip to 10.*)

**9  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 9—Justification or Excuse" as a title. You may use Form MC-025, Attachment.

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**10**  **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.*)

**11**  **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 or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.*
- 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.

**12** 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 is true and correct.

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

\_\_\_\_\_  
*Type or print your name*

\_\_\_\_\_  
*Sign your name*

Clerk stamps date here when form is filed.

**1 Person Seeking Protection**

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

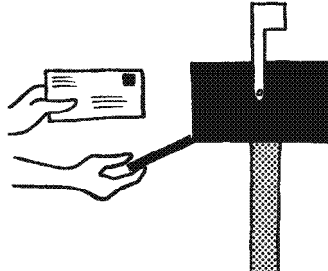
**2 Person From Whom Protection Is Sought**

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

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ① or ③ of Form CH-100.
- 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:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**PROOF OF SERVICE BY MAIL**

**4** I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

a. Form CH-120, *Response to Request for Civil Harassment Restraining Orders*

b.  Other (*specify*): \_\_\_\_\_

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

a. Mailed to (*name*): \_\_\_\_\_

b. To this address: \_\_\_\_\_

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

c. On (*date*): \_\_\_\_\_ Mailed from: City: \_\_\_\_\_ State: \_\_\_\_\_

**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*

**1 What is a firearm?**

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

**2 If you own or have a firearm you must:**

- Turn it in to local law enforcement *or*
- Sell it to a licensed gun dealer

**3 How do I sell my firearm?**

Find a licensed gun dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

**4 How do I take my firearm to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

**5 If I turn my firearm in to law enforcement, how long will they keep it?**

Ask the law enforcement agency.

**6 After I give my firearm to law enforcement, can I change my mind?**

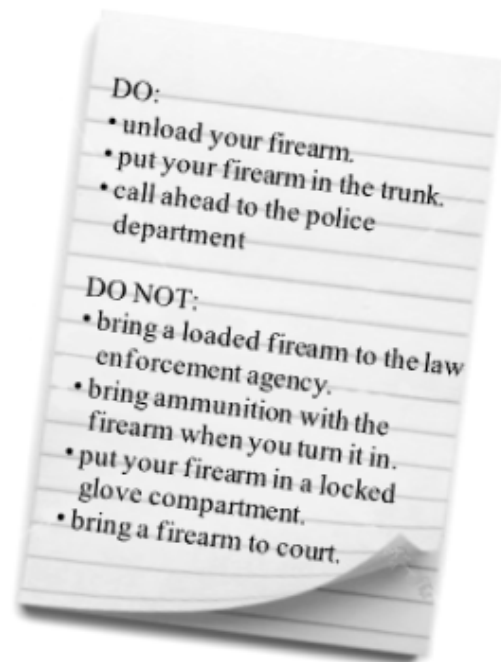
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

**7 Do I have to pay the law enforcement agency to keep my firearm?**

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

**8 Questions?**

Call your local law enforcement agency:  
(*insert local information here.*)





Clerk stamps date here when form is filed.

**1 Protected Person**

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 e-mail.):

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

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

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

E-Mail Address: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

**3 To the Restrained Person:**

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 the law enforcement officer 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-800-INFO, *How do I Turn in or Sell my Firearms?*

**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 to me 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*



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in or sold more firearms. Attach a sheet of paper and write "CH-800, Item 6—Firearms Turned In or Sold" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

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

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

If yes, check one of the boxes below:

a.  I filed a 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):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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