

Superior Court of California, County of Contra Costa

WORKPLACE VIOLENCE

Civil Law

- Packet A -

Forms Instructions for Your First Workplace Violence Hearing

What you will find in this packet:

- **Interpreter Request** (MC-300e&s)
- **How Do I Get an Order to Prohibit Workplace Violence?** (WV-100-INFO)
- **Instructions - After Your Application Has Been Signed You Must:** (WV-150a-INFO)

You Can Get Court Forms FREE at: www.cc-courts.org/forms

Superior Court of California, County of Contra Costa

Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: _____

Case Type:

- | | |
|---|---|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Small Claims – (\$12,500 or less) |
| <input type="checkbox"/> Traffic | <input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000 |
| <input type="checkbox"/> Civil Harassment | <input type="checkbox"/> Civil – Other _____ |
| <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Family Law |
| <input type="checkbox"/> Proceedings to terminate parental rights | <input type="checkbox"/> Unlawful Detainer |
| <input type="checkbox"/> Dependent Adult Abuse | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Juvenile | <input type="checkbox"/> Elder Abuse |

Party Requesting Interpreter: _____

Is interpreter for a witness? Yes No

Phone Number(s) where party can be reached: _____

Date of Hearing: _____ Time of Hearing: _____

Department: _____ Location: Martinez Pittsburg Richmond Walnut Creek

Language Needed: Spanish Mandarin Cantonese Vietnamese

Other: _____

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:

www.cc-courts.org/interpreter

Superior Court of California, County of Contra Costa

Solicitud Para Intérprete

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaria del tribunal.

Número de Caso: _____

Tipo de Caso:

- | | |
|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Demanda Civil – (\$12,500 o menos) |
| <input type="checkbox"/> Tráfico | <input type="checkbox"/> Demanda Civil -
<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000 |
| <input type="checkbox"/> Acoso Civil | <input type="checkbox"/> Civil – otro tipo _____ |
| <input type="checkbox"/> Conservador | <input type="checkbox"/> Casos de Familia |
| <input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre | <input type="checkbox"/> Juicio de Desalojo |
| <input type="checkbox"/> Abuso de Adultos Incapacitados | <input type="checkbox"/> Tutela |
| <input type="checkbox"/> Tribunal de Menores | <input type="checkbox"/> Abuso de Personas Mayores |

Persona que Necesita Intérprete: _____

Marque aquí si esta persona es un testigo

Número Telefónico: _____

Fecha de la Audiencia Judicial: _____ Hora: _____

Departamento: _____ Ciudad: Martinez Pittsburg Richmond Walnut Creek

Idioma Solicitado: Español Mandarín Cantonés Vietnamita

Otro Idioma: _____

Para evitar la posibilidad que su audiencia sea aplazada, favor the presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:
www.cc-courts.org/interpreter

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 workplace violence protective order?

Under California law (Code Civ. Proc., § 527.8), courts can make orders to protect an employee from suffering harassment, unlawful violence, or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten an employee;
- Contact or go near an employee; and
- Have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

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

These orders will be enforced by law enforcement agencies.

Who can get a workplace violence protective order?

Employers can obtain court orders prohibiting harassment, unlawful violence, or credible threats of violence against their employees. An employer is defined as:

- Every person engaged in any business or enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, irrespective of whether such person is the owner of the business or is operating on a concessionaire or other basis. (Lab. Code, § 350(a).)
- A federal, state, or local public agency; a city, county, district, or public corporation. (Code Civ. Proc., § 527.8(b)(3).)

Collective Bargaining Representatives can also obtain orders prohibiting harassment, unlawful violence, or credible threats of violence against employees. In order to bring a petition for an order under this law, the collective bargaining representative must serve as a collective bargaining representative for that employee in employment or labor matters at the employee's workplace.

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definitions of "employer" or "collective bargaining representative" as defined above.

The statute differs from other California laws that allow victims of harassment, unlawful violence, or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer or the collective bargaining representative wishes to apply to the court for an order prohibiting harassment, see *Can a Civil Harassment Restraining Order Help Me?* (form [CH-100-INFO](#)).

Who can an employer or collective bargaining representative protect under this law?

Under this statute, an employer or collective bargaining representative can obtain a court order that lasts up to three years on behalf of an employee. The order can also protect certain family or household members of the employee and other employees at the employee's workplace or at other workplaces of the employer.

Note: Before filing a petition, an employer or collective bargaining representative of an employee must provide the employee who has suffered harassment, unlawful violence, or a credible threat of violence from any individual, an opportunity to decline to be named in the restraining order. An employee's request to not be named in the order does not prohibit an employer or collective bargaining representative from seeking a restraining order on behalf of other employees at the workplace, and, if appropriate, other employees at other workplaces of the employer.

California law defines "employees" as:

- Every person, including aliens and minors, rendering actual service in any business for an employer, whether gratuitously or for wages or pay; whether the wages or pay are measured by the standard of time, piece, task, commission, or other method of calculation; and whether the service is rendered on a commission, concessionaire, or other basis. (Lab. Code, § 350(b).)
- Members of boards of directors and public officers.
- Volunteers or independent contractors who perform services for the employer at the employer's work site.

The “respondent” is the person against whom the employer or collective bargaining representative is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered harassment, unlawful violence, or a credible threat of violence from any individual;
2. The unlawful violence was carried out in the workplace, or the threat of violence can reasonably be construed to be carried out in the workplace;
3. The respondent’s conduct is not allowable as part of a legitimate labor dispute as permitted by Code of Civil Procedure section 527.3; and
4. The respondent is not engaged in constitutionally protected activity.

What forms must be used to get the order?

1. *Petition for Orders Workplace Violence Restraining Orders (Petition)* (form [WV-100](#)). This form tells the judge the facts of the petitioner’s case and what orders the petitioner wants the court to make.
2. *Confidential Information for Law Enforcement* (form [CLETS-001](#)). This form will provide law enforcement agencies with the information needed to enforce any orders that are granted.
3. *Notice of Court Hearing* (form [WV-109](#)). This form tells the parties when the hearing on the petition will be held.
4. *Temporary Restraining Order (TRO)* (form [WV-110](#)). A TRO can be issued to provide protection to the employee until the hearing is held. It can be issued by the judge either with or without notice to the respondent.
5. *Workplace Violence Restraining Order After Hearing (Order)* (form [WV-130](#)). This is the form signed by the court following the hearing. The order can last for up to three years depending on what the judge rules.

These forms are all **mandatory**—that is, they must be used in the workplace violence prevention proceeding.

6. *Proof of Personal Service* (form [WV-200](#)). This form is used to show that the other party has been **served** with the petition and other forms as required by law.

Where can I get these forms?

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

Do I need a lawyer?

The employer or collective bargaining representative may be represented by a lawyer, but one is not required by law unless an employer that is a corporation is the petitioner. Because the employer’s or union’s lawyer will generally be representing the interests of the employee, the employee usually does not need his or her own lawyer. Whether or not the employer or collective bargaining representative has a lawyer, the respondent may have one.

What steps are needed to get the court orders?

1. Fill in the **Petition** (form WV-100) completely and fill in items 1–3 of the *Notice of Court Hearing* (form WV-109). If you are seeking a **TRO**, also fill out form WV-110.
2. If you are seeking orders based on information from others and not based on what you have personally observed, you **must** have each of those persons complete a declaration to attach to the **Petition** (form WV-100). You may use form [MC-031](#), *Attached Declaration*.
3. Fill in *Confidential Information for Law Enforcement* (form CLETS-001) with as much information as you know. If the judge grants the order, the information on this form will be entered into a statewide protective-order database that will be available to law enforcement agencies if the order needs to be enforced.
4. If you are applying for a **TRO**, fill out form WV-110 completely. The petition and the declarations must give the details of the recent acts of harassment, violence, or credible threats of violence and the problems they have caused.

To obtain a **TRO**, you must notify the respondent of the request for the temporary order unless both of the following requirements are satisfied:

- a. It appears from facts shown on the petition that great or irreparable injury will result before the matter can be heard on notice; and



- b. You or your attorney certifies one of the following to the court under oath:
- (1) That within a reasonable time before presenting the petition to the court to ask for a TRO, you informed the respondent or the respondent's attorney when and where the request for a TRO would be made;
 - (2) That you in good faith attempted but were unable to inform the respondent and the respondent's attorney, specifying the efforts made to contact them; or
 - (3) That for reasons specified, you should not be required to inform the respondent or the respondent's attorney.
5. Take your original completed forms and copies to the clerk's office at the court. You will need multiple copies: one for you, one for each person to be protected, and one to serve on the respondent. Each protected person will need a copy of the **TRO** if it is necessary to call the police. The clerk will file the originals, assign a case number, and return the copies "file-stamped" to you. The clerk will write your hearing date on the *Notice of Court Hearing* (form WV-109).
6. If you are seeking a **TRO** (form WV-110), the clerk will tell you where and how to present your proposed order to a judge for consideration and signature. The court will decide within 24 hours whether or not to make the order. Sometimes the court decides right away. Ask the clerk if you should wait or come back later. If your request for a **TRO** is granted while you are still at the court, take the signed original back to the clerk to be filed.
7. If a **TRO** has been issued, ask the clerk whether you or your lawyer will need to deliver a file-stamped copy of the **TRO** to each law enforcement agency (police, marshal, or sheriff's office) that might be called on to enforce the order. If so, do so immediately.
8. If a person to be protected by the order does not speak English, when you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to [selfhelp.courts.ca.gov/request-interpreter](#).
9. Have the respondent personally **served** with copies of the **Petition** (form WV-100), the *Notice of Court Hearing* (form WV-109), the **TRO** (form WV-110) (if issued), a blank **Response** (form [WV-120](#)), and a blank Proof of Service of Response by Mail (form [WV-250](#)). You **cannot** serve the respondent yourself. Service may be made by a licensed process server, the sheriff's department, or any person 18 years of age or older who is not involved in the case. For help with service, ask the court clerk for form [WV-200-INFO, What Is "Proof of Personal Service"?](#)
10. After the respondent has been personally **served**, the person who served the respondent must complete and sign the original *Proof of Personal Service* (form WV-200). Take the signed original and copies back to the court clerk. The clerk will file the original and return "file-stamped" copies to you. Ask the clerk whether you should take a file-stamped copy to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

Service is essential. It tells the respondent about the order and the hearing. Without it, there cannot be a court hearing, and your temporary orders will no longer be good unless they are extended by the court. The respondent should be personally served immediately after the orders are signed by the judge, unless the court specifies a different time for service.

If the court issues a TRO, it will last until the hearing date.



11. Go to court on the date shown at item 4 on the *Notice of Court Hearing* (form WV-109). You do not need to bring any witnesses, but it helps to have more proof of the violence or threats than just one person’s word.

You can bring to the hearing:

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

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

The respondent has the right to attend the hearing, but he or she does not have the right to speak to the employee or to any other person seeking protection. If anyone is afraid, tell the court officer.

12. If the judge signs the **Order** (form WV-130), ask the clerk to provide you with a file-stamped copy for each person to be protected. Ask the clerk whether you or your attorney will need to deliver a file-stamped copy of the **Order** to each law enforcement agency that might be called on to enforce the order. If so, do so immediately.

13. If the respondent attended the hearing and heard the terms of the **Order** from the court, no additional proof of service is necessary. If the respondent did not attend the hearing, but the **Order** issued is the same as the TRO (except for the termination date), the **Order** may be served on the respondent by mail. File form [WV-260](#), *Proof of Service of Order After Hearing by Mail*. If the respondent did not attend the hearing and the **Order** differs from the TRO, arrange to have him or her personally **served** with a copy of the **Order**. File the completed *Proof of Personal Service* (form [WV-200](#)) with the court. Give a file-stamped copy of the **Order** and proof of service to your employee and to each other protected person. Keep at least one copy for yourself.

14. Once the order is issued, only the judge can change or cancel it. You or the respondent would have to file a request with the court to cancel the order.

WV-109 Notice of Court Hearing Clerk stamps date here when form is filed.

① **Petitioner (Employer or Collective Bargaining Representative)**

a. Name: _____

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____ Fill in court name and street address:

b. Address (If you have a lawyer, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____ Fill in case number:

Superior Court of California, County of _____

Case Number: _____

② **Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence**

Full Name: _____

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

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 orders against the respondent:

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____

Dept.: _____ Room: _____

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 that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

Judicial Council of California, www.courtinfo.ca.gov
 Rev. January 1, 2025. Issuance form
 Code of Civil Procedure, § 527.9
 Approved by DOJ

Notice of Court Hearing
(Workplace Violence Prevention)

WV-109, Page 1 of 3 →

15. If the respondent does not obey the order, call the police. The respondent can be arrested and charged with a crime.

What if I have a disability?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/WV-restraining-order

For help in your area, contact:

[Local information may be inserted.]

INSTRUCTIONS

RESTRAINING ORDERS – WORKPLACE HARASSMENT

Department 57

725 Court Street, Room 102, Martinez

To have your Workplace Harassment Restraining Order request considered, please take your **completed** paperwork to Department 57, Room 102, during the ex parte hours of **10:00am – 11:00am and return for pick-up at 1:30pm.**

Workplace Harassment Restraining Order requests **are only reviewed and signed during these specific hours.**

COMPLETE THE FOLLOWING ATTACHED FORMS:

- Petition for Workplace Violence Restraining Orders (WV-100)
- Temporary Restraining Order (WV-110)
- Notice of Court Hearing (WV-109) ***Top portion only***

AFTER YOUR APPLICATION HAS BEEN SIGNED YOU MUST:

1. Take your signed papers to the Clerk's Office, Room 103, to have the paperwork filed immediately.
2. You must now have the defendant served. Anyone over the age of 18, who is NOT a party to the action, may serve the defendant. The defendant must be personally served with a filed copy of the Petition (WV-100), Temporary Restraining Order (WV-110), Notice of Court Hearing (WV-109), a blank Response form (WV-120) with instructions (WV-120-INFO) and a blank Proof of Service of Response by Mail (WV-250) at least five (5) days before the hearing date, unless the court orders a shorter period.
3. You, or anyone else, must deliver the Temporary Restraining Order to the police agencies listed in the Order. Do not give the police a copy of the Petition, just the Temporary Restraining Order.
4. After the defendant has been served with the papers, the person who served the paper **MUST** complete the Proof of Personal Service (WV-200). Please pay particular attention to this form. If it is not correctly filled out, the court cannot proceed on the hearing date. Make sure the person who serves the defendant enters the date, prints his/her name AND signs his/her name at the bottom of the form.
5. The Proof of Personal Service **MUST** be filed prior to the court date (Clerk's office, Room 103). Do not mail it in. If you cannot file the Proof of Service before the court date, bring it with you to the hearing. The Court **CANNOT PROCEED WITHOUT THIS DOCUMENT.**
6. Between now and the hearing date, read all the instructions in the packet of forms. You are responsible for filling out the Order After Hearing that is included in the packet. That document is the final Order (what you have now is a temporary order which will expire on the date of the hearing). Complete the Order prior to the hearing so that it may be signed immediately.

Superior Court of California, County of Contra Costa

WORKPLACE VIOLENCE

Civil Law

- Packet B -

Forms for Your First Workplace Violence Hearing

What you will find in this packet:

- **Petition for Workplace Violence Restraining Orders** (WV-100)
- **Temporary Restraining Order** (WV-110)
- **Confidential Information for Law Enforcement** (CLETS-001)
- **Notice of Court Hearing** (WV-109)

You Can Get Court Forms FREE at: www.cc-courts.org/forms

Petition for Workplace Violence Restraining Orders

Clerk stamps date here when form is filed.

Read *How Do I Get an Order to Prohibit Workplace Violence* (form [WV-100-INFO](#)) before completing this form. **NOTE: Petitioner must be an employer with standing to bring this action under Code of Civil Procedure section 527.8.** Also fill out *Confidential CLETS Information* (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 Petitioner (Employer or Collective Bargaining Representative)

a. Name: _____

- is An employer
 A collective bargaining representative
Specify union: _____

and is filing this suit on behalf of the employee identified in **2**.

b. Lawyer for Petitioner (if any for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

Petitioner's Address (If the petitioner has a lawyer, give the lawyer's information.)

c. Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Employee Who Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

Gender: M F Nonbinary Age: _____

Workplace Address: _____

City: _____ State: _____ Zip: _____

- This employee declines to be named in any restraining order issued as a result of this petition.
 Additional employees suffered harassment, violence, or a threat of violence. Those employees, and whether they decline to be named in any restraining order issued as a result of this petition, are listed in Attachment 2.

3 Respondent (Person From Whom Protection Is Sought)

Full Name: _____ Age: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

4 Protected Persons Not Listed in 2

a. Are you asking for protection for any family or household members of the employee or for any other employees at the employee's workplace or at other workplaces of the petitioner?

- Yes No (If yes, list them):

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Household Member?</u>	<u>Relationship to Employee</u>
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Additional protected persons are listed in Attachment 4a.

This is not a Court Order.



4 b. Why do these people need protection? *(Explain)*:

Response is stated in Attachment 4b.

5 **Relationship of Employee and Respondent**

a. How does the employee know the respondent? *(Describe)*: Response is stated in Attachment 5a.

b. Respondent is is not a current employee of petitioner. *(Explain any decision to retain, terminate, or otherwise discipline the respondent)*: Response is stated in Attachment 5b.

6 **Venue**

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

- a. The respondent lives in this county.
- b. The respondent has caused physical or emotional injury to the petitioner’s employee in this county.
- c. Other *(specify)*: _____

7 **Other Court Cases**

a. Has the employee or any of the persons named in 4 been involved in another court case with the respondent?

No Yes *If yes, check each kind of case and indicate where and when each was filed:*

	Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1)	<input type="checkbox"/> Workplace Violence	_____	_____	_____
(2)	<input type="checkbox"/> Civil Harassment	_____	_____	_____
(3)	<input type="checkbox"/> Domestic Violence	_____	_____	_____
(4)	<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5)	<input type="checkbox"/> Paternity, Parentage, Child Support	_____	_____	_____
(6)	<input type="checkbox"/> Eviction	_____	_____	_____
(7)	<input type="checkbox"/> Guardianship	_____	_____	_____
(8)	<input type="checkbox"/> Small Claims	_____	_____	_____
(9)	<input type="checkbox"/> Postsecondary School Violence	_____	_____	_____
(10)	<input type="checkbox"/> Criminal	_____	_____	_____
(11)	<input type="checkbox"/> Other <i>(specify)</i> : _____	_____	_____	_____

b. Are any restraining orders or criminal protective orders now in effect relating to the employee or any of the persons in 4 and the respondent? No Yes *(If yes, attach a copy if you have one.)*

This is not a Court Order.



8 f. For any of the incidents described above, did the police come? Yes No I don't know

If yes, did the employee or the respondent receive an Emergency Protective Order?

Yes No I don't know

If yes, the order protects (check all that apply):

the employee the respondent one or more of the persons in 4.

(Attach a copy of the order if you have one.)

Check the orders you want

9 **Personal Conduct Orders**

I ask the court to order the respondent **not** to do any of the following things to the employee or to any person to be protected listed in 4:

- a. Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
- b. Commit acts of unlawful violence on or make threats of violence to the person.
- c. Follow or stalk the person during work hours or to or from the place of work.
- d. Contact the person, either directly or indirectly, by **any** means, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- e. Enter the person's workplace.
- f. Other (specify):
 As stated in Attachment 9f.

The respondent will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

10 **Stay-Away Orders**

a. I ask the court to order the respondent to stay at least _____ yards away from (check all that apply):

- (1) The employee.
- (2) The other persons listed in 4.
- (3) The employee's workplace.
- (4) The employee's home.
- (5) The employee's school.
- (6) The school of the employee's children.
- (7) The place of child care of the employee's children.
- (8) The employee's vehicle.
- (9) Other (specify):

This is not a Court Order.



- 10 b. If the court orders the respondent to stay away from all the places listed above, will they still be able to get to their home, school, or job? Yes No (If no, explain):
 Response is stated on Attachment 10b.

11 Firearms (Guns), Firearm Parts, and Ammunition

Does the respondent have firearms (guns), firearm parts, or ammunition? (This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).)

- a. I don't know
- b. No
- c. Yes (If you have information, complete the section below.)

	<u>Describe Firearms (Guns), Firearm Parts, or Ammunition</u>	<u>Number or Amount</u>	<u>Location, if known</u>
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The respondent will also be ordered to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition within their immediate possession or control. If an order is granted, the respondent will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

12 Temporary Restraining Order

I request that a Temporary Restraining Order (TRO) be issued against the respondent to last until the hearing. I am presenting form WV-110, *Temporary Restraining Order*, for the court's signature together with this Petition.

Has the respondent been told that you were going to go to court to seek a TRO against them?

- Yes No (If you answered no, explain why below):

Reasons are stated in Attachment 12.

This is not a Court Order.



13 **Request for Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the respondent at least five days before the hearing, unless the court orders a shorter time for service. (Form [WV-200-INFO](#) explains what is proof of personal service. Form [WV-200](#), Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why:

Reasons are stated in Attachment 13.

14 **No Fee for Filing**

I ask that there be no filing fee because the respondent has threatened violence against the employee, or stalked the employee, or acted or spoken in a manner that has placed the employee in reasonable fear of violence.

15 **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the orders for free because this request for orders is based on a credible threat of violence or stalking.

16 **Court Costs**

I ask the court to order the respondent to pay my court costs.

17 **Additional Orders Requested**

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

Additional orders requested are stated in Attachment 17.

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

This is not a Court Order.



Case Number:

Date: _____

Lawyer's name (if any)



Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

Date: _____

Name of petitioner



Signature

Title

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 Petitioner (Employer or Collective Bargaining Representative)**

a. Name: _____

Lawyer for Petitioner (if any, for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Protected Person or Persons

Full Name: _____

Full Name: _____

Full Name: _____

Full Name: _____

 Additional protected persons are listed at the end of this order on Attachment 2.**3 Respondent (Restrained Person)***(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)*

*Full Name: _____	*Age: _____	Date of Birth: _____
*Race: _____	Height: _____	Weight: _____
*Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Nonbinary		Home Address: _____
City: _____	State: _____	Zip: _____
Relationship to Protected Person: _____		

4 Expiration Date*This order expires at the end of the hearing scheduled for the date and time below:*Date: _____ Time: _____ a.m. p.m.**This is a Court Order.**

To the Respondent:

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

5 Personal Conduct Orders

Not Requested Denied Until the Hearing Granted as Follows:

- a. You are ordered **not** to do the following things to the protected person or persons listed in **(2)**
- (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during work hours or to or from the place of work.
 - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by email, by fax, or by other electronic means.
 - (5) Enter the workplace of the person.
 - (6) Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other (*specify*):
 Other personal conduct orders are attached at the end of this order on Attachment 5a(7).

- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the petitioner.

6 Stay-Away Order

Not Requested Denied Until the Hearing Granted as Follows:

- a. You **must** stay at least _____ yards away from (*check all that apply*):
- (1) Each protected person listed in **(2)** (3) Other (*specify*): _____
 - (2) For each protected person listed in **(2)** _____
 - (a) The person’s workplace _____
 - (b) The person’s home _____
 - (c) The person’s school
 - (d) The person’s children’s school
 - (e) The person’s children’s place of childcare
 - (f) The person’s vehicle
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.



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

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b.
- b. **Prohibited items are:**
 - (1) Firearms (guns);
 - (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
 - (3) Ammunition.
- c. You must:
 - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.
 - (2) File a receipt with the court within 48 hours of receiving this order that proves that all your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form [WV-800](#)) for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

8 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. Firearms and/or firearm parts

Description <i>(include serial number, if known)</i>	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “WV-110, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

9 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

This is a Court Order.



13 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

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

- a. The order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

14 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in 3

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in 7 b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in 7 above. The court will require you to prove that you did so.

Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with this Temporary Restraining Order and form WV-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this Temporary Restraining Order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in 3.

If this address is not correct or you wish to verify that the Temporary Restraining Order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

This is a Court Order.



After You Have Been Served With a Restraining Order

- Obey all the orders. Any intentional violation of this order is a misdemeanor punishable by a fine or by imprisonment in a county jail, or by both fine and imprisonment. (Pen. Code, § 273.6.)
- Read form [WV-120-INFO](#), *How Can I Respond to a Petition for Orders to Stop Workplace Violence?*, to learn how to respond to this order.
- If you want to respond, fill out form [WV-120](#), *Response to Petition for Workplace Violence Restraining Orders*, and file it with the court clerk. You do not have to pay any fee to file your response if the petition claims that you threatened violence against or stalked the employee, or placed the employee in reasonable fear of violence.
- You must have form WV-120 served on the petitioner or the petitioner's attorney by mail. You cannot do this yourself. The person who does the service should complete and sign form [WV-250](#), *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use form [MC-030](#), *Declaration*, for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at courts.ca.gov/rules-forms/find-your-court-forms. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to three years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Orders System (CARPOS). Agencies are encouraged to enter violation messages into CARPOS. If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in **(4)** on page 1.

If a Protected Person Contacts the Restrained Person

Even if a protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

This is a Court Order.



Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting a protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2;

Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

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. ⑤a(4) is an example of a no-contact order.
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); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must 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), 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 will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Instructions:

- If you are asking for a restraining order, you must complete this form and give it to the court clerk, along with the other court forms required in your case. For juvenile orders, list the primary protected person’s information in ② and ③.
- If the judge grants the restraining order, information you give on this form will be entered into a California database (called CLETS) to help law enforcement enforce the order.
- If information changes later, you may complete this form again and turn it in to the court.

To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.

Court fills in case number when form is received.

Case Number:

Date received by court: _____

Information that has a star (*) next to it is required. All other information is helpful.

① Person You Want a Restraining Order Against

***Name:** _____

Other names used: _____

Marks, scars, or tattoos: _____

Driver’s license (*number and state*): _____ SSN: _____

Vehicle type: _____ Model: _____ Year: _____ Plate number: _____

Telephone: _____

Name of employer and address: _____

Does the person speak English?

- Yes
- No (*list language*): _____
- I don’t know

Does the person have any firearms (guns), firearm parts, ammunition, or body armor?

- No
- I don’t know
- Yes (*Give any information you have below, like the type, amount, or location of any items, if known.*)

This is not a Court Order—Do not place in court file.



2 *Your Name: _____

(Skip 3 and 4 if you are asking for a gun violence (form GV-100) or retail crime (form RT-100) restraining order.)

3 Your Information

*Gender: M F X (nonbinary) Race: _____

*Age: _____

Date of Birth (month, day, year): _____

(If the judge grants your restraining order, your information will be entered into California’s law enforcement database. If you give your date of birth, it will also be entered into the federal law enforcement database. If your information is not in the federal law enforcement database, your restraining order may be more difficult to enforce outside of California.)

Telephone: _____

Do you speak English?

Yes

No (list language): _____

4 Other People You Want Protected

*Name: _____ *Gender: _____ Race: _____ Date of Birth: _____

*Name: _____ *Gender: _____ Race: _____ Date of Birth: _____

*Name: _____ *Gender: _____ Race: _____ Date of Birth: _____

*Name: _____ *Gender: _____ Race: _____ Date of Birth: _____

Check here if you have more people to list. Write them on a separate piece of paper, write “Item 4” at the top, and attach it to this form.

This is not a Court Order—Do not place in court file.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer or Collective Bargaining Representative)

a. Name:

Lawyer for Petitioner (if any for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

b. Address (If you have a lawyer, give your lawyer's information.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

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 orders against the respondent:

Hearing Date →	Date: _____	Time: _____	Name and address of court if different from above: _____
	Dept.: _____	Room: _____	_____

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 that could last up to three years. After you receive a copy of the order, you could be arrested if you violate the order.



5 Temporary Restraining Orders (Any orders granted are on form WV-110, served with this notice.)

a. Temporary restraining orders for personal conduct and stay-away orders as requested in form WV-100, Request for Workplace Violence Restraining Orders, are (check only one box below):

- (1) All **GRANTED** until the court hearing.
- (2) All **DENIED** until the court hearing. (Specify reasons for denial in b, below.)
- (3) Partly **GRANTED** and partly **DENIED** until the court hearing. (Specify reasons for denial in b, below.)

b. Reasons that temporary restraining orders as requested in form WV-100, Petition for Workplace Violence Restraining Orders, for personal conduct or stay-away are denied are:

- (1) The facts as stated in form WV-100 do not sufficiently show reasonable proof that the employee has suffered harassment, unlawful violence, or a credible threat of violence by the respondent, and that great or irreparable harm to the employee would result if a temporary restraining order is not issued.
- (2) Other (specify): As stated on Attachment 5b.

6 Service of Documents by the Petitioner

At least five _____ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form WV-109, Notice of Court Hearing, to the respondent along with a copy of all the forms indicated below:

- a. WV-100, Petition for Workplace Violence Restraining Orders (file-stamped)
- b. WV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. [WV-120](#), Response to Petition for Workplace Violence Restraining Orders (blank form)
- d. [WV-120-INFO](#), How Can I Respond to a Petition for Workplace Violence Restraining Orders?
- e. 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 and any temporary orders. To show that the respondent has been served, the person who served the forms must fill out a proof of service form. Form [WV-200](#), *Proof of Personal Service*, may be used.
- You may ask to reschedule the hearing if you are unable to find the respondent and need more time to serve the documents, or for other good reasons. Read form [WV-115-INFO](#), *How to Ask for a New Hearing Date*.
- For information about service, read form [WV-200-INFO](#), *What Is “Proof of Personal Service”?*
- You must attend the hearing if you want the judge to make any of the orders you requested on form WV-100, *Petition for Workplace Violence Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form WV-100-INFO, *How Do I Get an Order to Prohibit Workplace Violence?*

To the Respondent:

- If you want to respond to the request for orders in writing, file form [WV-120](#), *Response to Petition for Workplace Violence Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the petitioner.
- The person who mailed the form must fill out a proof of service form. Form [WV-250](#), *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make restraining orders against you that could last up to three years and may order you to turn in to law enforcement, or sell to or store with a licensed gun dealer, any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form [WV-115-INFO](#), *How to Ask for a New Hearing Date*.



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 for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

Clerk’s Certificate
[seal]

—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.

Date: _____ Clerk, by _____, Deputy

WORKPLACE VIOLENCE

Civil Law

- Packet C -

Instructions and Forms You May Need After Your First Hearing

What you will find in this packet:

- **Request to Continue Court Hearing and to Reissue Temporary Restraining Order (WV-115)**
- **Notice of New Hearing Date and Order on Reissuance (WV-116)**
- **How Can I Respond to a Petition for Workplace Violence Restraining Orders? (WV-120-INFO)**
- **Response to Petition for Workplace Violence Restraining Orders (WV-120)**
- **Workplace Violence Restraining Order After Hearing (CLETS-WHO) (WV-130)**
- **What Is "Proof of Personal Service"? (WV-200-INFO)**
- **Proof of Personal Service (WV-200)**
- **Proof of Service of Response by Mail (WV-250)**
- **Request to Reschedule Hearing to Renew Restraining Order (WV-715)**
- **Order to Reschedule Hearing to Renew Restraining Order (WV-716)**
- **Proof of Firearms Turned In or Sold (WV-800)**
- **How Do I Turn In, Sell or Store My Firearms? (WV-800-INFO)**
- **Attached Declaration (MC-031)**

You Can Get Court Forms FREE at: www.cc-courts.org/forms

Clerk stamps date here when form is filed.

Instructions: Use this form to ask the court to reschedule the court date listed on, *Notice of Court Hearing* (form [WV-109](#)). Read *How to Ask for a New Hearing Date* (form [WV-115-INFO](#)) for more information.

1 My Information

a. My name is: _____

b. I am the:

(1) **Petitioner** (employer or collective bargaining representative) (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: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**2 Information About My Case**

a. The other party in this case is (full name): _____

b. I have a court hearing currently scheduled for (date): _____

This is not a Court Order.

3 Is a Temporary Restraining Order in effect?

- Yes. Date the order was made, if known: Please attach a copy of the order if you have one.
No.
I don't know.

Notice: If the court date is rescheduled, the Temporary Restraining Order (form WV-110) will remain in effect until the end of the new court date unless otherwise ordered by the court.

4 Why does the court date need to be rescheduled?

- I need more time to have the respondent personally served.
I am the respondent, and this is my first request to reschedule the court date.
Other reason:

Multiple horizontal lines for providing a reason for rescheduling.

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.

Clerk stamps date here when form is filed.

Complete ① and ② only.

① **Petitioner (Employer or Collective Bargaining Representative)**

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: _____

(1) Any *Temporary Restraining Order* (form [WV-110](#)) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

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

Hearing Date → Date: _____ Time: _____
Dept.: _____ Room: _____
Name and address of court, if different from above:

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

④ **Temporary Restraining Order**

a. There is **no Temporary Restraining Order (TRO)** in this case until the next court date because:

(1) A TRO was not previously granted by the court.

(2) The court terminates (cancels) the previously granted TRO because:

b. A **Temporary Restraining Order (TRO)** is still in full force and effect.

(1) The court extends the TRO previously granted on (date) _____
It now expires on (date): _____
(If no date is listed, the TRO expires at the end of the court date listed in ③ b.)

(2) The court changes the TRO previously granted and signs a new TRO (form WV-110).

c. Other (specify): _____

Warning and Notice to the respondent:

If ④b is checked, a temporary restraining order has been issued against you. You must follow the orders until they expire.

This is a Court Order.



5 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: _____

b. This is the first time that the respondent has asked for more time to prepare.

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

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner**

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 all the forms listed on form [WV-109](#), item 6, by
(date): _____

(3) You must serve the respondent 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 petitioner because they or their lawyer were at the court date or agreed to reschedule the court date.

(2) You must have the petitioner personally served with a copy of this order by
(date): _____

(3) You must serve the petitioner 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.



7 **No Fee to Serve (Notify) Respondent** **Ordered** **Not Ordered**

The sheriff or marshal will serve this order for free because:

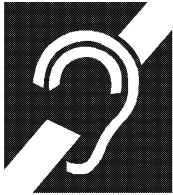
- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in **1** is entitled to a fee waiver.

8 **Other Orders**

9 Number of pages attached to this order, if any: _____

Date: _____

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 for *Request for Accommodations by Persons With Disabilities and Response* (form [MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order) (CLETS-TWH)* (form WV-116) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is a workplace violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a workplace violence restraining order?

An employer or collective bargaining representative can ask for an order on behalf of an employee who has suffered harassment, violence, or a credible threat of violence at the workplace, or members of their household or other employees.

I've been served with a petition for workplace violence restraining orders. What do I do now?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [WV-120](#), *Response to Petition for Workplace Violence Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form WV-120 to the person named in item 1 of the petition form WV-100 (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail for you must fill out form [WV-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 WV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

WV-109 Notice of Court Hearing Clerk stamps date here when form is filed.

① **Petitioner (Employer or Collective Bargaining Representative)**

a. Name: _____

Lawyer for Petitioner (if any for this case):
 Name: _____ State Bar No.: _____

Firm Name: _____ Fill in court name and street address:

b. Address (If you have a lawyer, give your lawyer's information.):
 Address: _____ Superior Court of California, County of _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____ Fill in case number:
 Email Address: _____ Case Number: _____

② **Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence**
 Full Name: _____

③ **Respondent (Person From Whom Protection Is Sought)**
 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 orders against the respondent:

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

- 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 that could last up to three years. After you receive a copy of the order, you could be arrested if you violate the order.



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 people to be protected at the court hearing?

Yes. Assume that the people to be protected will attend the hearing. Do not talk to them 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.

What if I don't speak English?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/WV-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I have a firearm (gun), firearm part, or ammunition?

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

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to selfhelp.courts.ca.gov/respond-to-WV-restraining-order-obey-firearms-orders/exception, or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff and use the body armor (see Penal Code section 31360(c)).

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 employer would have to file a request with the court to cancel the order.

What if I have a disability?

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

Clerk stamps date here when form is filed.

Use this form to respond to the *Petition* (form WV-100)

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form [WV-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 petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use form [WV-250](#), Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

3 Respondent (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 (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

The court will consider your response at the hearing. Write your hearing date, time, and place from form WV-109, item 4, 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.

4 Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in **12** on page 4.)
- c. I agree to the following orders (specify below or in **12** on page 4):

5 Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in **12** on page 4.)
- c. I agree to the following orders (specify below or in **12** on page 4):



6 **Protected Persons Not Listed in 2**

- a. I agree that the persons listed in item 4 of the Petition may be protected by the order requested.
- b. I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested.

7 **Firearms (Guns), Firearm Parts, and Ammunition**

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

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt
 - (1) is attached.
 - (2) has already been filed with the court.
- c. I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below*):
 - (1) Are you a sworn peace officer?
 - No
 - Yes
 - (2) Are there any orders or state or federal laws that prohibit you from having firearms or ammunition?
 - No
 - I don't know (*explain*):

Yes (*explain*):

(3) (*Explain what your job is and why you need a firearm or ammunition*):

(Note: You **must** follow any orders to turn in, sell, or store prohibited items until the judge decides whether to grant you an exception. Before an exception can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders/exception or see Code of Civil Procedure section 527.9(f).)



13 **No Fee for Filing**

- a. I ask the court to waive the filing fee because the petitioner claims in form WV-100, item 14, 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.*)

14 **Costs**

- a. I ask the court to order the petitioner to pay my court costs. The amounts requested are:

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

- Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 14—Costs" for a title. You may use form MC-025, Attachment.
- b. I ask the court to deny the request of the person asking for protection that I pay their lawyer's fees and costs.

15 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.

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 Petitioner (Employer or Collective Bargaining Representative)

a. Name: _____
Lawyer for Petitioner (if any, for this case)
Name: _____ State Bar No.: _____
Firm Name: _____
b. Your Address (If you have a lawyer, give your lawyer's information.)
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
Email Address: _____

2 Protected Person or Persons

Full Name: _____
Full Name: _____
Full Name: _____
Full Name: _____

Additional protected persons are listed at the end of this order on Attachment 2.

3 Respondent (Restrained Person)

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

*Full Name: _____ *Age: _____ Date of Birth: _____
*Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
*Gender: M F Nonbinary Home Address: _____
City: _____ State: _____ Zip: _____
Relationship to Protected Person: _____

4 Expiration Date

This order, except for any award of lawyer's fees, expires at

Date: _____ Time: _____ a.m. p.m.

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

This is a Court Order.



5 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
 - (1) The petitioner *(name)*: _____
 - (2) The lawyer for the petitioner *(name)*: _____
 - (3) The respondent (4) The lawyer for the respondent *(name)*: _____
 - Additional persons present are listed at the end of this order on Attachment 5b.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Respondent:

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

- a. You are ordered **not** to do the following things to the protected person or persons listed in ②
 - (1) Harass, molest, strike, assault (sexually or otherwise), batter, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Commit acts of violence or make threats of violence against the person.
 - (3) Follow or stalk the person during work hours or to or from the place of work.
 - (4) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (5) Enter the person’s workplace.
 - (6) Take any action to obtain the person’s address or locations. If this item is not checked, the court has found good cause not to make this order.
 - (7) Other *(specify)*:
 Other personal conduct orders are attached at the end of this order on Attachment 6a(7).

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

This is a Court Order.



7 Stay-Away Orders

a. You **must** stay at least _____ yards away from *(check all that apply)*:

- (1) Each protected person listed in **2**
- (2) For each protected person listed in **2**
 - (a) The person’s workplace
 - (b) The person’s home
 - (c) The person’s school
 - (d) The person’s children’s school
 - (e) The person’s children’s place of child care
 - (f) The person’s vehicle
- (3) Other *(specify)*: _____

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

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

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

b. **Prohibited items are:**

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

c. If you have not already done so, you must:

- Within 24 hours of being served with this order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form [WV-800](#)) for the receipt.)

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

e. Permission to have firearm or ammunition for work: The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form WV-850, *Permission to Have Firearm or Ammunition for Work*.

9 Restrained Person Has Prohibited Items

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

Description <i>(include serial number, if known)</i>	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> <i>(date)</i> : _____
(2) _____	_____	<input type="checkbox"/> <i>(date)</i> : _____
(3) _____	_____	<input type="checkbox"/> <i>(date)</i> : _____
(4) _____	_____	<input type="checkbox"/> <i>(date)</i> : _____

This is a Court Order.



9 b. Ammunition

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write “WV-130, Restrained Person Has Prohibited Items” at the top, and attach it to this form.

10 Restrained Person Has Not Complied With Surrendering Prohibited Items

a. The court finds that you have not fully complied with the orders previously granted on (date): _____
The court has not received a receipt or proof of compliance for all the items listed in 9.

b. Notify Law Enforcement
The court will immediately notify the following law enforcement agency of this violation
(law enforcement agency or agencies): _____

c. Notify Prosecutor
The court will immediately notify the following prosecuting agency of this violation
(prosecuting agency): _____

11 No Body Armor

You cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

12 Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in 8 b) you still have or own, including any items listed in 9. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

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

Name and address of court, if different than court address listed on page 1: _____



This is a Court Order.



13 **Costs**

You must pay the following amounts for costs to the petitioner:

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

Additional amounts are attached at the end of this order on Attachment 13.

14 **Other Orders** (*specify*):

Additional orders are attached at the end of this order on Attachment 14.

To the Person in 1:

15 **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 or the petitioner’s lawyer should deliver a copy of the order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this order on Attachment 15.

16 **Service of Order on Respondent**

- a. The respondent personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.

This is a Court Order.



- 16 b. The respondent did not attend the hearing.
- (1) Proof of service of form WV-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form WV-110 except for the expiration date. The respondent must be served with this order. Service may be by mail.
- (2) The judge's orders in this form are different from the temporary restraining orders in form WV-110. Someone—but not the petitioner or anyone protected by this order—must personally serve a copy of this order on the respondent.
- (3) The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The petitioner must have a copy of this order served on the respondent by:
- (a) Personal service by *(date)*: _____
- (b) Mail at respondent's last known address by *(date)*: _____

17 **No Fee to Serve (Notify) Restrained Person** **Ordered** **Not Ordered**

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

- a. The order is based on a credible threat of violence or stalking.
- b. The petitioner is entitled to a fee waiver.

18 Number of pages attached to this order, if any: _____

Date: _____

Judicial Officer

Warning and Notice to the Respondent:

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in 8b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in 8 above. The court will require you to prove that you did so.

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). Agencies are encouraged to enter violation messages into 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 ⑩), 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 5 and *ends* on the expiration date in ④ on page 1.

If a Protected Person Contacts the Restrained Person

Even if a protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting a protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2;

Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

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. ⑥ a(4) is an example of a no-contact order.
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); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must 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), 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.

This is a Court Order.



Case Number:

Clerk's Certificate
[seal]

(Clerk will fill out this part.)
—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

What is “Service”?

Service is the act of giving legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The *Petition for Workplace Violence Restraining Orders* (form WV-100), the *Notice of Court Hearing* (form WV-109), and the *Temporary Restraining Order* (form WV-110) must be served in person. That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

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

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.

Who can serve?

Ask someone you know, a process server, or a law enforcement agency 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 18 years of age or older
- Not be you or anyone whom you are asking to be 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, unlawful violence, or a credible threat of violence. Another peace officer may also serve the orders for free. See selfhelp.courts.ca.gov/WV-restraining-order/sheriff-serves-request for additional information regarding free service by a sheriff, marshal, or other peace officer.

A registered process server is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the internet. (If a law enforcement agency 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 is the right person. Ask the person’s name.
- Give the person copies of all papers checked on form WV-200, *Proof of Personal Service*.
- Fill out and sign the *Proof of Personal Service*.
- Give the signed *Proof of Personal Service* to you.

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

- If the person will not take the papers, just leave them near the person.
- It does not matter if the person tears them up. Service is still complete.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on form WV-109, *Notice of Court Hearing*.

First, look at the hearing date on page 1 of form WV-109.

④ Notice of Hearing

Hearing Date

Date: _____

Dept.: _____

Next, look at the number of days in item 6 on page 2 of form WV-109.

⑥ Service of Documents By the Person in ①

At least five _____ days before the hearing.

Look at a calendar. Subtract the number of days in item 6 from the hearing date. That is the final date to have the orders served. It is always okay to serve earlier than that date.

If nothing is checked or written in item 6, you must serve the orders at least five days before the hearing.

Who signs the *Proof of Personal Service*?

Only the person who serves the forms can sign form WV-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

What do I do with the completed *Proof of Personal Service*?

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Ask the clerk to enter it into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (form WV-110) and *Proof of Personal Service* (form WV-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Always keep an extra copy of the restraining orders with you for your safety.

If the sheriff or another peace officer serves the papers, they will send proof of service to the court for you. The sheriff will also send proof of service to CLETS for you.

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

Before your hearing, fill out and file form WV-115, *Request to Continue Court Hearing*. 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, attach a copy of form WV-116, *Order on Request to Continue Hearing* to a copy of your original orders. Ask the clerk to enter form WV-116 into CLETS or the clerk may ask you or you attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

Clerk stamps date here when form is filed.

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Suffered Harassment, Violence, or Threat of Violence

Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Not be listed in items 1, 2, or 4 of form WV-100.
- Give a copy of all documents checked in **5** below to the respondent. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the petitioner.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

PROOF OF PERSONAL SERVICE

5 I gave the respondent a copy of the forms checked below:

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

6 I personally gave copies of the documents checked above to the respondent

a. On (date): _____ b. At (time): _____ a.m. p.m.

c. At this address: _____

City: _____ State: _____ Zip: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(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.

Empty box for clerk stamping date.

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Suffered Harassment, Violence, or Threat of Violence

Name: _____

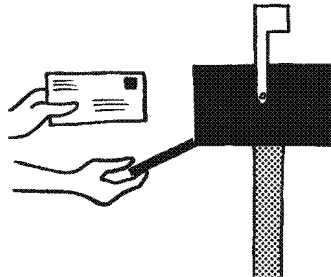
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner's lawyer.
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

PROOF OF SERVICE BY MAIL

5 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 petitioner or the petitioner's lawyer a copy of:

- a. Form WV-120, *Response to Petition for Workplace Violence Restraining Order* (completed)
- b. Other (*specify*): _____

6 I placed copies of the documents listed 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: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(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.

Instructions: Either party may use this form to ask the court to reschedule the hearing (court date) listed on form WV-710, *Notice of Hearing to Renew Restraining Order*. Note: If the hearing is rescheduled, the restraining order will be extended until the new court hearing.

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 (*check one*):(1) **Petitioner** (employer or collective bargaining representative) (*skip to 2*).(2) **Restrained Party** (*give your contact information below*).**Address where I can receive mail:**

This address will be used by the court and by the other party to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission. If you have a lawyer, give their information.

Address: _____

City: _____ State: _____ Zip: _____

Additional 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 Your Casea. The other party in this case is (*full name*): _____b. The court date is currently scheduled for (*date*): _____**This is not a Court Order.**

3 Why does your court date need to be rescheduled?

- a. I need more time to have the restrained party served.
- b. Other reason:

4 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

5 Lawyer's signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

- Complete form [WV-716](#), *Order to Reschedule Hearing to Renew Restraining Order* (only items **1** and **2**).
- File forms WV-715 and WV-716 with the court. A judge will review your forms and decide whether to reschedule your court date.
- If the judge grants your request to reschedule your court date, you must have someone serve a copy of all forms listed on form WV-716, item **5**. Your server can be the sheriff or another adult who is not involved in the case. For more information on how to serve the restrained person, go to selfhelp.courts.ca.gov/WV-restraining-order/renew/sheriff-serves.
- If the judge denies your request to reschedule, you must go to your court hearing (listed on form WV-710).

Clerk stamps date here when form is filed.

(Complete ① and ② only. The court will complete the rest of this form.)

① **Petitioner (Employer or Collective Bargaining Representative):**

② **Restrained Party:** _____

③ **Next Court Date**

a. **Denied:** The request to reschedule the court date is denied.

Your court date is: _____

(1) The *Workplace Violence Restraining Order After Hearing* (form WV-130) granted in this case stays in full force and effect until your court date.

(2) Your court date is not rescheduled because:

b. **Granted:** The request to reschedule the court date is granted. Your court date is rescheduled for the day and time listed below. The current restraining order stays in effect until the hearing date below or the original expiration date, whichever is later. See ④–⑦ for more information.

Name and address of court, if different from above:

New Court Date → Date: _____ Time: _____
Dept.: _____ Room: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

Warning and Notice to the Restrained Party:
You must obey the restraining order while it is in effect.

This is a Court Order.



4 Reason Court Date Is Rescheduled

a. The petitioner has not served the restrained party.

b. Other reason:

5 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Petitioner**

b. **Restrained party**

c. **Court**

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

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

(1) Further notice is not required.

(2) You must have the restrained party personally served with a copy of all the forms listed on form [WV-710](#), item **5**, by (date): _____

(2) You must have the petitioner personally served with a copy of this order by (date): _____

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

(3) You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (date): _____

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

(3) Other: _____

(4) Other: _____

(4) Other: _____

This is a Court Order.



6 No Fee to Serve (Notify) Restrained Person **Ordered** **Not Ordered**

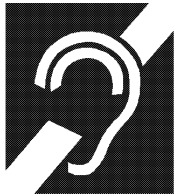
The sheriff or marshal will serve this order for free because:

- a. The order is based on unlawful violence, a credible threat of violence, or stalking.
- b. The person in **1** is entitled to a fee waiver.

7 **Other Orders**

Date: _____

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 www.courts.ca.gov/forms.htm for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

Instructions to Clerk

If the court rescheduled the court date, the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

—Clerk's Certificate—

Clerk’s Certificate

I certify that this *Order to Reschedule Hearing to Renew Restraining Order* (form WV-716) is a true and correct copy of the original on file in the court.

[seal]

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

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

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

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

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

You must take them to:

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

OR

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

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

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

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

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

Where can I sell the prohibited items?

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

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

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

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

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

Do not bring firearms to court.

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

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

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

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

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

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

Additional Questions?

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

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

See selfhelp.courts.ca.gov/respond-to-WV-restraining-order/obey-firearms-orders.

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete **5** or **6**. For more information on how to properly turn in your items, read form WV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

5 To Law Enforcement

*(Complete the section below. Keep a copy and give the original to the person in **3**.)*

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in **3**). You may attach a separate form from your agency (e.g., a property report), use **7**, or both. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in **7**.)

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: _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms, firearm parts, and ammunition transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in ③). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use ⑦. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in ⑦.)

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: _____

7

List of Items Surrendered

Firearms and firearm parts

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

Ammunition

	Brand	Type	Amount	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "WV-800, item 7" at the top, and attach it to this form.

8 To the Restrained Person:

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

No

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

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

b. I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c. I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition.

(Explain why not):

Your signature

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

Date: _____

Type or print your name



Sign your name

Your Next Steps

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

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

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
- Respondent Other (*Specify*):