

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 unlawful violence or credible threats of violence at the workplace.

The court can order a person not to:

- Harass or threaten the employee;
- Contact or go near the employee; and
- Have a gun.

These orders will be enforced by law enforcement agencies.

### Who can get a workplace violence protective order?

**Employers** can obtain court orders prohibiting unlawful violence or credible threats of violence against their employees. To get an order under this law, the petitioner **must** be an employer. 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).)

Before completing the forms needed to obtain court orders under this statute, make certain you meet the definition of “employer” as defined above.

The statute differs from other California laws that allow victims of unlawful violence or credible threats of violence to ask the court for these orders **themselves**. If anyone other than the employer 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 protect under this law?

Under this statute, an employer 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.

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 is requesting the protective order.

An employer may seek protection under this law if:

1. An employee has suffered 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 and employee want the court to make.
2. *Confidential CLETS Information* (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 on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

**Do I need a lawyer?**

The employer may be represented by a lawyer, but one is not required by law unless the employer is a corporation. Because the employer’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 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 your employee and 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 CLETS Information (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 violence or credible threats of violence and the problems they have caused your employee.

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 at least three copies: one for you, one for the employee, and one to serve on the respondent. If there are other persons to be protected by the order, you will need additional copies of the **TRO**. A 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.

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

8. If the employee does not speak English, when you file your papers, ask the clerk if a court interpreter will be available for the hearing. You may have to pay a fee for the interpreter. If an interpreter will not be provided, you should ask someone who is not listed as a person to be protected on your Petition and who is over age 18 to interpret.
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, other than you, the employee, or anyone to be protected by the order. For help with service, ask the court clerk for Form WV-200-INFO, *What Is "Proof of Personal Service"?*.

**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.**

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.

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, e-mails, 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-220, *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)**

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

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

Fill in case number:  
 Case Number: \_\_\_\_\_

**2** **Employee in Need of Protection**  
 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: _____	_____

**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.)

Judicial Council of California, www.court.ca.gov  
 Revised January 1, 2012. Mandatory Form  
 Code of Civil Procedure, § 527.8  
 Approved by CCLJ

**Notice of Court Hearing**  
 (Workplace Violence Prevention)

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



**Request for Accommodations**

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

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

*[Local information may be inserted.]*

**Petition for Workplace Violence Restraining Orders**

Clerk stamps date here when form is filed.

[Empty box for clerk stamp]

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**  
[Empty space for address]

Court fills in case number when form is filed.

**Case Number:**  
[Empty space for case number]

**1 Petitioner (Employer)**

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

is a  corporation  sole proprietorship

(specify): \_\_\_\_\_

and is filing this suit on behalf of the employee identified in item 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: \_\_\_\_\_

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

**2 Employee in Need of Protection**

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

Sex:  M  F Age: \_\_\_\_\_

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

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

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

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

**4 Additional Protected Persons**

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):

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



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:*

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(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 there now any restraining orders or criminal protective orders 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 Description of Respondent's Conduct**

- a. Respondent has (*check one or more*):
- (1)  Assaulted, battered, or stalked the employee
  - (2)  Made a credible threat of violence against the employee by making knowing or willful statements or engaging in a course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family.

- b. One or more of these acts (*check either or both*):
- (1)  Took place at the employee's workplace
  - (2)  Can reasonably be construed to be carried out in the future at the employee's workplace

Address of workplace: \_\_\_\_\_  
\_\_\_\_\_

- c. Describe what happened. (*Provide details; include the dates of all incidents beginning with the most recent; tell who did what to whom; identify any witnesses*):

Response is stated in Attachment 8c.

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- d. Was the employee harmed or injured?  Yes  No (*If yes, describe harm or injuries*):

Response is stated in Attachment 8d.

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

- e. Did the respondent use or threaten to use a gun or any other weapon?  Yes  No (*If yes, describe*):

Response is stated in Attachment 8e.

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

**This is not a Court Order.**

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):

(1)  The employee. (2)  The respondent. c.  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 e-mail, by text message, by fax, or by other electronic means.
- e.  Enter the person's workplace.
- f.  Other (specify):  
 As stated in Attachment 9f.

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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 Order**

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):

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**This is not a Court Order.**



- b. If the court orders the respondent to stay away from all the places listed above, will he or she still be able to get to his or her home, school, or job?  Yes  No (If no, explain):
- Response is stated on Attachment 10b.
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**11 Guns or Other Firearms and Ammunition**

Does the respondent own or possess any guns or other firearms?  Yes  No  I don't know

*If the judge grants a protective order, the respondent will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a gun, other firearm, 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 guns or firearms within his or her immediate possession or control.*

**12 Request for Immediate Orders Without Notice**

Do you want the court to make any of these orders now that will last until the hearing without notice to the respondent?  Yes  No (If you answered yes, explain why):

Response is stated on Attachment 12.

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

*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:

Response is stated in Attachment 13.

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**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.

**This is not a Court Order.**



**15**  **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve the respondent with the others 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: \_\_\_\_\_

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.

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

\_\_\_\_\_  
*Name of petitioner*

▶ \_\_\_\_\_  
*Signature*

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

**This is not a Court Order.**

Clerk stamps date here when form is filed.

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Petitioner (Employer)**

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

**2 Employee (Protected Person)**

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

**3 Respondent (Restrained Person)**

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

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
Home Address (if known): \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Relationship to Employee: \_\_\_\_\_

**4 Additional Protected Persons**

In addition to the employee, the following family or household members or other employees are protected by the temporary orders indicated below:

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

Additional protected persons are listed at the end of this Order on Attachment 4.

**5 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.

**6 Personal Conduct Orders**

Not Requested     Denied Until the Hearing     Granted as Follows:

a. You are ordered **not** do the following things to the employee

and to the other protected persons listed in **4**:

- (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 e-mail, 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 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. However, you may have your papers served by mail on the petitioner.

**7 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)  The employee
- (2)  Each other protected person listed in **4**
- (3)  The employee's workplace
- (4)  The employee's home
- (5)  The employee's school
- (6)  The employee's children's school
- (7)  The employee's children's place of child care
- (8)  The employee's vehicle
- (9)  Other (*specify*):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.**



**8 No Guns or Other Firearms and Ammunition**

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
  - (1) Sell to or store with a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms 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 your guns or firearms have been turned in, sold, or stored. *(You may use Form WV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.)*
- c.  The court has received information that you own or possess a firearm.

**9 Other Orders**

- Not Requested       Denied Until the Hearing       Granted as Follows *(specify):*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Additional orders are attached at the end of this Order on Attachment 9.

**To the Petitioner:**

**10 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 employer or the employer’s lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agencies listed below to enter into CARPOS:

<u>Name of Law Enforcement Agency</u>	<u>Address (City, State, Zip)</u>
_____	_____
_____	_____

- Additional law enforcement agencies are listed at the end of this Order on Attachment 10.

**11 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.

**This is a Court Order.**

⑫ Number of pages attached to this Order, if any: \_\_\_\_\_

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

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

## Warnings and Notices to the Restrained Person in ②

### You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition 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 guns or other firearms that you have or control as stated in item ⑧ 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 item 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.

### After You Have Been Served With a Restraining Order

- Obey all the orders.
- 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 [www.courts.ca.gov/forms](http://www.courts.ca.gov/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.

**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 Orders System (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 item 5 on page 1.

### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

### Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the Proof of Service or confirms that the Proof of Service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

### If the Protected Person Contacts the Restrained Person

Even if the 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).)

### Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2, Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes a no contact order, a domestic violence protective order issued in a criminal case takes precedence in enforcement over any conflicting civil court order. Any nonconflicting terms of the civil restraining order remain in effect and enforceable.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

**This is a Court Order.**



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*(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.**

Clerk stamps date here when form is filed.

**1 Petitioner (Employer)**

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: \_\_\_\_\_

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

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:****2 Employee in Need of Protection**

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:**

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

**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 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.

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**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. WV-250, *Proof of Service of Response by Mail* (blank form)
- f.  Other (*specify*): \_\_\_\_\_

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

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

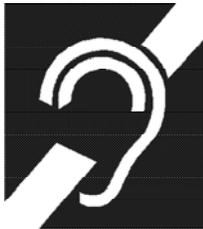
**To the Petitioner:**

- 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.
- For information about service, read Form WV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the respondent in time, you may ask for more time to serve the documents. Use Form WV-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



**To the Respondent**

- If you want to respond to the request for orders in writing, file Form WV-120, *Response to Request 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 sell or turn in any firearms that you own or possess.**



**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](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk’s Certificate—**

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

*Clerk’s Certificate*  
[seal]

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

Clerk, by \_\_\_\_\_, Deputy

**California Law Enforcement Telecommunications System (CLETS)  
Information Form**

- This form is submitted with the initial filing (date): \_\_\_\_\_
- This is an amended form (date): \_\_\_\_\_

**Important: This form MUST NOT become part of the public court file. It is confidential and private.**

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

<b>Case Number (if you know it):</b> _____
--

**1 Person to Be Protected (Name):** \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Mailing Address (listed on restraining order): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone (optional): \_\_\_\_\_  
 Vehicle (Type, Model, Year): \_\_\_\_\_ (License Number and State): \_\_\_\_\_

**2 Person to Be Restrained (Name):** \_\_\_\_\_

Sex:  M  F Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Race: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Residence Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Business Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Employer: \_\_\_\_\_  
 Occupation/Title: \_\_\_\_\_ Work Hours: \_\_\_\_\_  
 Driver's License Number and State: \_\_\_\_\_ Social Security Number: \_\_\_\_\_  
 Vehicle (Type, Model, Year): \_\_\_\_\_ (License Number and State): \_\_\_\_\_  
 Describe any marks, scars, or tattoos: \_\_\_\_\_  
 Other names used by the restrained person: \_\_\_\_\_

**3 Guns or Firearms** Describe any guns or firearms that you believe the person in **2** owns or has access to (Number, types, and locations):

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

**4 Other People to Be Protected**

<u>Name</u>	<u>Date of Birth</u>	<u>Sex</u>	<u>Race</u>	<u>Relation to Person in 1</u>

Additional persons to be protected are listed on Attachment 4.

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

**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 Orders to Stop Workplace Violence* (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.

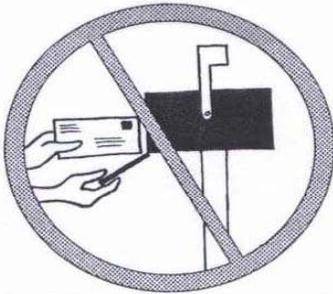
The server must:

- 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.

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?**

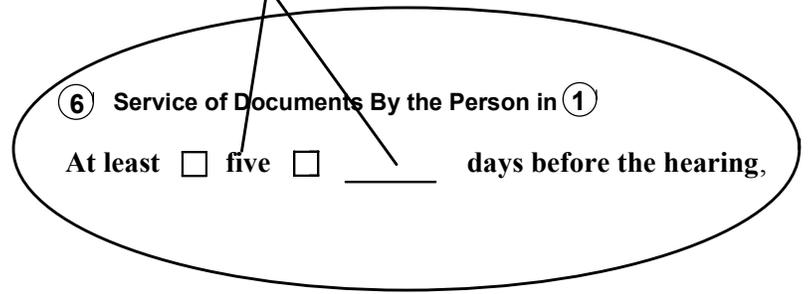
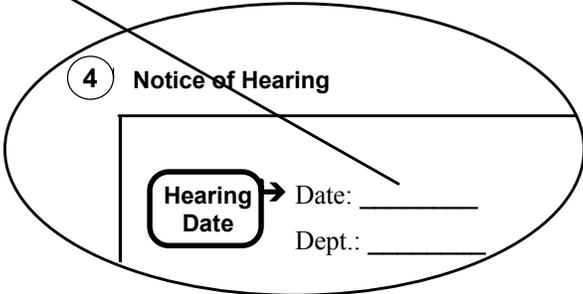
- If the person will not take the papers, just leave them near him or her.
- It does not matter if the person tears them up. Service is still complete.

**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.

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



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

If nothing is checked or written in 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 serves the papers, he or she will send the proof of service to the court and 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 and to Reissue Temporary Restraining Order*. 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, *Notice of New Hearing Date and Order on Reissuance*, 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)**

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

**2 Employee in Need of Protection**

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-800, *Proof of Firearms Turned In, Sold, or Stored* (blank form)
- h.  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*