

What is a Civil Harassment Restraining Order?

It is a court order.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any guns while the order is in effect

Who can ask for a Civil Harassment Restraining Order?

A person who is worried about safety because they are being:

- Stalked
- Harassed
- Sexually assaulted *or*
- Threatened with violence

How long does the order last?

If the Court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to 3 years.

What if I don't obey the order?

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

What if I do not agree with what the order says?

You still must obey the order until the hearing.

If you disagree with the orders the person is asking for, fill out Form CH-110 before your hearing date and file it with the court.

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

Yes. Have someone—other than yourself—mail a copy of completed Form CH-110 to the person who asked for the order (or that person's lawyer). (This is called "Service.")

The person who serves the form by mail must fill out Form CH-131, *Proof of Service by Mail*. Make a copy of the proof of service and file it with the court clerk.

Should I go to the court hearing?

Yes. Go to court on the date listed on Form CH-120. If you do not go to court, the judge can make orders without hearing from you.

CH-120 Notice of Hearing and Temporary Restraining Order

Clerk stamps date here when form is filed

1 Name of person asking for protection: _____
Address (skip this if you have a lawyer). (If you want your address to be private, give a mailing address instead) _____
 City: _____ State: _____ Zip: _____
 Your telephone number (optional): (_____) _____
 Your lawyer (if you have one): (Name, address, telephone number, and State Bar number) _____

2 Name of person to be restrained: _____
Court file in case number when form is filed
 Case Number: _____

Description of that person:
 Sex: M F Height: _____ Weight: _____ Race: _____
 Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____
 Home Address (if known): _____
 City: _____ State: _____ Zip: _____
 Work Address (if known): _____
 City: _____ State: _____ Zip: _____

To the person in ①:

3 Notice of Hearing
 A court hearing is scheduled on the request for orders against you to stop harassment:
Name and address of court if different from above:
 Hearing Date: _____ Date: _____ Time: _____
 Dept: _____ Rm: _____

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 Court Orders
 The court (check a or b):
 a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
 b. Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order

Judicial Council of California, Form CH-120, 1/05
 Revised January 1, 2005. Version 1.0
 Code of Civil Procedure, §§ 52.7, 52.7.1
 Approved by CCJ. **Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4 (Civil Harassment)**

16

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about legal services and self-help centers in your county.

Will I see the person who asked for the order at the court hearing?

If the person goes to the hearing, yes. Do not talk to that person unless the judge says you can.

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case. But if possible, you should also bring the witnesses' written statements of what they saw or heard to the hearing. Their statements must be made under penalty of perjury. You can use Form MC-030 for this.

Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. (See information on Requests for Accommodations below.)

Need more information?

Ask the court clerk about free or low-cost legal help.

For help in your area, contact:

[Local information may be inserted]

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8)

