

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT

SPR18-35

Title	Action Requested
Protective Orders: Protecting Information of People Under 18 Years Old	Review and submit comments by June 8, 2018
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Adopt Cal. Rules of Court, rules 3.1161 and 5.382; renumber rule 3.1152; adopt forms CH-160, CH-165, CH-170, CH-175, DV-160, DV-165, DV-170, and DV-175; revise forms CH-109 and DV-109	January 1, 2019
Proposed by	Contact
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Executive Summary and Origin

The Family and Juvenile Law Committee and Civil and Small Claims Advisory Committee jointly recommend adopting rules of court, adopting eight forms (a set of four in the Domestic Violence Prevention series and a set of four in the Civil Harassment Prevention series), and revising two forms, in order to implement the provisions in Assembly Bill 953 (Stats. 2017, ch. 384) that seek to protect information relating to minors in domestic violence and civil harassment restraining orders.

Background

AB 953 added section 6301.5 to the Family Code and section 527.6(v) to the Code of Civil Procedure, effective January 1, 2018. Under the new law, a minor or minor's legal guardian can ask the court to make information relating to a minor confidential when issuing a domestic violence or civil harassment restraining order. The standard for granting these requests is essentially the same standard for the sealing of records under rule 2.550 of the California Rules of Court.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

The Proposal

To implement AB 953, the committees propose adopting eight new forms (four forms in the Domestic Violence Prevention series and a parallel set of four forms in the Civil Harassment Prevention series), revising two existing forms, and adopting two rules of court.¹ The committees recognize that implementation of this bill is complicated; however, without adoption of Judicial Council rules and forms, it is unlikely that self-represented litigants will have access to relief under Family Code section 6301.5 and Code of Civil Procedure section 527.6(v).

The proposed forms will eliminate the need for parties and the court to create specialized pleadings and orders, and the proposed rules will provide consistency in how these requests are processed within the judicial branch. Therefore, the committees propose the following:

1. Adopt rules 3.1161 and 5.382;
2. Renumber rule 3.1152 to rule 3.1160;
3. Adopt *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160);
4. Adopt *Order on Request to Keep Minor's Information Confidential* (forms CH-165 and DV-165);
5. Adopt *Notice of Order Protecting Information of Minor* (forms CH-170 and DV-170);
6. Adopt *Cover Sheet for Confidential Information* (forms CH-175 and DV-175); and
7. Revise *Notice of Court Hearing* (forms CH-109 and DV-109).

Rules 3.1161 and 5.382

The proposed rules would provide a consistent procedure for making requests for confidentiality, making orders on a request for confidentiality, and protecting information made confidential by the court.

Making a request for confidentiality

Under the new law, the minor or the minor's legal guardian can request that the information relating to the minor be kept confidential. The law is silent as to how requests are to be made.

The proposed rules would:

- Allow a request for confidentiality to be made at any time during the case;²
- Require the requester to complete *Request to Keep Minor's Information Confidential* (form CH-160 or form DV-160);³

¹ Because proposed rules 3.1161 and 5.382 are almost identical in both content and format, differing only in their references to specific statutory provisions and forms, they are, unless otherwise noted, referred to jointly throughout this invitation to comment as the "proposed rules."

In addition to proposing these new rules, the Civil and Small Claims Advisory Committee is also recommending renumbering current rule 3.1152, regarding requests for civil protective orders generally, to rule 3.1160, so that both that rule and the new rules proposed here can be found together in a new article specifically for rules relating to civil protective orders. This will also require renumbering the article directly following this new article.

² Proposed rules at (d)(1).

³ Proposed rules at (d)(2).

- Authorize the court to rule on the request without any notice being given to the other party, or to both parties if the request is by a minor who is not party to the action;⁴
- Require the court to rule on both the request for confidentiality and the restraining order, if submitted at the same time, on the same day of submission or, if too late in the day, the next court day, consistent with Family Code section 6326 and Code of Civil Procedure section 527.6(e);⁵
- Authorize the court to hold a closed hearing if the request does not include sufficient or specific facts to meet the statutory requirements for a confidentiality order;⁶ and
- Allow the requester, in the event that the order for confidentiality is denied, the option of withdrawing the request for restraining orders rather than have the information in public court files.⁷

Making orders on a request for confidentiality

Under the new law, the court must expressly make four findings to grant a request for confidentiality, including a finding that the order to keep the information confidential is narrowly tailored.⁸ In order to comply with the statute, the rules provide that if the court grants an order, it must specifically identify the information regarding the minor that is to be kept confidential.⁹

To provide consistency, the proposed rules would also require that when the court

- grants a request to keep the minor’s name confidential, it publish only the initials for the minor or both parties.¹⁰
- grants a request to keep the minor’s name confidential and the minor is not a party to the case, information relating to the minor that would likely reveal the minor’s identity is made confidential.¹¹
- rules on a request, the order form is filed in a public file (in a redacted version if it contains information ruled confidential) and the request for confidentiality form is filed in a confidential file.¹²

Protecting information made confidential by the court

The new law is silent on the process for ensuring that information made confidential is protected, leaving two important questions unanswered: (1) who will be responsible for preparing redacted documents and (2) how will documents containing confidential information be submitted to the

⁴ Proposed rules at (d)(3)(A); Note that proposed rules at (e)(2)(D) do, however, require that the request be served after the court has made its decision, along with the order. The committees are requesting comments on this requirement.

⁵ Proposed rules at (d)(3)(B).

⁶ Proposed rules (d)(4).

⁷ Proposed rules at (d)(3)(C).

⁸ Fam. Code, § 6301.5(b); Code Civ. Proc., § 527.6(v)(2).

⁹ Proposed rules at (e)(2)(B)(ii).

¹⁰ Proposed rules at (e)(2)(B)(1).

¹¹ Proposed rules at (e)(2)(B)(ii).

¹² Proposed rules at (f)(2).

court? The proposed rules address these questions, and the advisory committees ask for specific comments on the proposed procedures.

Person responsible for preparing redacted documents.

The proposed rules would give the court the discretion to decide who should be ordered to prepare the redacted documents—the court itself, the requesting party, or that party’s attorney—and how soon the redaction must be completed.¹³ The proposed rules would also require the court to consider several factors in making its decision on who should redact, including the complexity of the redaction, whether the person requesting confidentiality is capable of preparing redacted materials, and whether the person requesting confidentiality has immediate access to help from a self-help center or other legal assistance.¹⁴

Submitting documents containing confidential information to the court.

After an order for confidentiality is granted, the proposed rules would require parties to attach a *Cover Sheet for Confidential Information* (form CH-175 or DV-175), anytime documents are submitted for filing.¹⁵ The rules also provide for the court to decide who should be responsible for redaction (using the same factors as for the initial filing). The clerk is to file the unredacted document in a confidential file and the redacted document, after it has been approved by the court, in a public file.¹⁶ The proposed rules provide that the cover sheet form could be used in any civil case involving the minor.¹⁷

The advisory committees are requesting specific comments on these procedures for redactions, both for the initial filing when the confidentiality order is granted and for any later filings.

New Forms

CH-160 and DV-160 (Request to Keep Minor’s Information Confidential)¹⁸

This form would be completed and submitted by the person asking that information relating to a minor be made confidential.¹⁹ The information that can be made confidential by the court includes the minor’s name, address, and any other information relating to the minor. There are items for the requesting party to specifically identify the information sought to be kept confidential and to explain the basis for the request. The findings that the court must make are

¹³ Proposed rules at (f)(1).

¹⁴ Proposed rules at (g).

¹⁵ Proposed rules at (i)(1)(A).

¹⁶ Proposed rules at (i)(1)(B).

¹⁷ The new law provides that if a request for confidentiality is granted, information regarding the minor shall be maintained in a confidential case file in the underlying procedure “or any other civil procedure.” (Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).)

¹⁸ The two sets of forms are discussed together because they are also nearly identical, differing only when referring to the type of protective order being sought, to specific rules or forms, or to a few minor statutory provisions applicable only to domestic violence protective orders.

¹⁹ The new law does not limit the requests for confidentiality only to minors for whom protection is being sought. A respondent may also file a request, either as a responding minor or on behalf of a child or ward whose information could be included in the petition or the response.

provided at item 7, so the requesting party can focus on those factors when providing reasons for their request for confidentiality. No service instructions are included with the request because the court would rule on the request without notice to the other side.²⁰ The request would be made under penalty of perjury.

CH-165 and DV-165 (Order on Request to Keep Minor’s Information Confidential)

This is the order form that the court would complete after it has reviewed form CH-160 or DV-160. If the request for confidentiality is denied, or if the court wants to hold a hearing before making its decision, only page 1 of this form needs to be issued. If the order is granted, there are items for the court to specifically identify what information is to be kept confidential (item 8), state whether there is any information that even the restrained person is not to receive (item 9b),²¹ and provide notice of the penalties for disclosing confidential information (items 7 and 9). There is also an item for determining who is to redact the confidential information and by what date (item 10), and instructions for service of the relevant forms, including an instruction that the *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) should be the first page of any forms that include confidential information (item 13c).

CH-170 and DV-170 (Notice of Order Protecting Information of a Minor)

This one-page form would be used at the time a confidentiality order has been issued, as a cover sheet for the requesting party to serve with the order and with the documents that contain information the court has ordered be protected (confidential). The cover sheet would provide notice to the party (often the respondent) being served with unredacted documents that the documents contain confidential information subject to a confidentiality order. The form directs the recipient of the order to determine exactly what information is protected, advises the recipient to use a confidential cover sheet when filing any documents in the case that contain confidential information about the minor, and includes a notice that disclosure or misuse of that confidential information can subject a person to a fine of up to \$1,000.

CH-175 and DV-175 (Cover Sheet for Confidential Information)

This form would be used as a cover sheet for any documents subsequently filed in the protective order proceedings in which a confidentiality order has been made. The party submitting documents for filing would be responsible for attaching this cover sheet to any document that includes confidential information. This form alerts the clerk that the documents contain confidential information, so that the court can file the unredacted documents in the court’s confidential files and make a determination as to who would be responsible for redaction of the

²⁰ The proposed rules do, however, require that the request ultimately be served on the other party, or both parties if the person making the request is not a party to the action following the issuance of an order on the request (see proposed rules at (e)(2)(D)), and instructions regarding that service are in the proposed order form.

²¹ The new law provides that the otherwise confidential information shall be provided to the respondent “to the extent necessary for the enforcement of the order and to allow the respondent to comply with and respond to the order.” (Fam. Code, § 6301.5(d)(2); Code Civ. Proc., § 527.6(v)(4)(B).)

documents so that redacted versions can be placed in the public files.²² This cover sheet can also be used in “any other civil proceedings”²³ to alert the court in that proceeding that a confidentiality order exists protecting the minor’s information.

Revised forms

CH-109 and DV-109 (Notice of Court Hearing)

This form would be revised to add new item 5 to provide notice when a request to keep a minor’s information confidential has been granted.²⁴ Two new forms would be added to the list of forms to be served in item 6: *Notice of Order Protecting Information of Minor* (form CH-170 or DV-170) and *Order on Request to Keep Minor’s Information Confidential* (form CH-165 or DV-165).

Alternatives Considered

Rules of Court

The committees considered including a provision in the rules that would require the court to redact all documents for self-represented litigants. The committees did not adopt this provision because of the potential backlog for the court, which could cause a delay in documents being filed. Instead, the rule gives the court discretion in making this determination, but requires the court to consider, among other things, a self-represented litigant’s ability to draft redacted materials.

Forms

The committees considered not creating a separate notice form (DV-170) because all of the information included on the notice form is in the order form (DV-165). However, the committees recommend adopting form DV-170 because it succinctly provides key information that the person being served with the order for confidentiality (and possibly a temporary restraining order at the same time) will need—specifically, that (1) some information has been made confidential and (2) disclosure or misuse of the confidential information may subject them to a fine of up to \$1,000.

The committees considered not creating a cover sheet for subsequent filings (form DV-175), but decided that having a cover sheet is necessary to alert the clerk that the document being submitted for filing includes confidential information.

²² Proposed rules at (i).

²³ See Fam. Code, § 6301.5(c); Code Civ. Proc., § 527.6(v)(3).

²⁴ This complies with the new law’s provision that, if a confidentiality order is issued in civil harassment cases, the notice provided with a temporary restraining order must include notice of the confidentiality order. (Code Civ. Proc., § 527.6(q)(4).) The domestic violence restraining order form is being revised at the same time to ensure that the forms remain alike except in those instances where substantive statutory differences exist.

Implementation Requirements, Costs, and Operational Impacts

The committees anticipate that this proposal will result in costs incurred by courts to incorporate new forms into their paper or electronic process, train court staff, provide assistance to self-represented litigants in self-help centers, and ensure that filed documents are properly redacted. However, the committees concluded that such costs will be offset by the benefit of having a set of forms for parties to use for this new, legislatively mandated procedure.

Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committees are interested in comments on the following:

1. Does the proposal appropriately address the stated purpose?
2. *Service of request form.* Should the rules require that the *Request to Keep Minor's Information Confidential* (form CH-160 or DV-160) be served on all parties after it has been ruled on by the court? (See proposed rules at (e)(2)(D).) Should service of the request be required whether the court grants or denies the request?
3. *Confidentiality of order denying request.* If a request is not granted (i.e., denied or deferred for a hearing), should the order be placed in the court's public file (as provided in proposed rules at (e)(2)(E)), or in the confidential file in order to protect the identity of the minor who may, upon denial of the request for confidentiality, withdraw the request for a protective order entirely?
4. *Reasons for request.* Are questions 7a and 7b in the *Request to Keep Minor's Information Confidential* (forms CH-160 and DV-160) sufficient to elicit the information a court will need to make the required findings (first paragraph in item 7)? Should other or additional questions be included in the form?
5. *Redaction of confidential information.* In light of the short time frame involved in the underlying actions (generally requests for temporary restraining orders), do the proposed rules regarding redaction of the confidential information after an order is issued (proposed rules at (f) and (g)) provide sufficient guidance and flexibility to work well for the courts and the parties (mostly self-represented parties)? Are there better ways to handle this process?
6. *Subsequent filed documents.* Are the rules for filing and redaction of documents filed later in the case (e.g., a response or a supplemental declaration) (proposed rules at (i)) sufficient to ensure that no protected information goes into public court files? Should the parties be required to file a redacted version along with the unredacted, even though court review would still be required to determine if the redaction was sufficient to keep the protected information confidential?
7. *Notice to law enforcement.* Should the temporary restraining orders (forms CH-110 and DV-110) be amended to include notice to law enforcement that a confidentiality order has been issued?

The advisory committees also seek comments from *courts* on the following cost and implementation matters:

8. What would the implementation requirements be for courts? For example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems.
9. Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
10. How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 3.1160, 3.1161, and 5.382, at pages 10–21.
2. Forms CH-109, CH-160, CH-165, CH-170, CH-175, DV-109, DV-160, DV-165, DV-170, and DV-175, at pages 22–52.
3. Link A: Assembly Bill 953 (Stats. 2017, ch. 384),
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB953

Rules 3.1161 and 5.382 of the California Rules of Court would be adopted and rule 3.1152 would be renumbered, effective January 1, 2019, to read:

1 **Article 4. Protective Orders**

2
3 **Rule 3.1160 ~~3.1152~~. Requests for protective orders to prevent civil harassment, workplace**
4 **violence, private postsecondary school violence, and elder or dependent adult abuse**

5
6 (a)–(e) * * *

7
8
9 **Rule 3.1161. Request to make minor’s information confidential in civil harassment**
10 **protective order proceedings**

11
12 **(a) Application of rule**

13
14 This rule applies to requests and orders made under Code of Civil Procedure section
15 527.6(v) to keep a minor’s information confidential in a civil harassment protective order
16 proceeding.

17
18 Wherever used in this rule, “parent” refers only to a parent who is a legal guardian.

19
20 **(b) Information that may be made confidential**

21
22 The information that may be made confidential includes:

23
24 (1) The minor’s name;

25
26 (2) The minor’s address;

27
28 (3) The circumstances surrounding the protective order with respect to the minor. These
29 include the allegations in the *Request for Civil Harassment Retraining Orders (form*
30 CH-100) that involve conduct directed, in whole or in part, toward the minor; and

31
32 (4) Any other information that the minor or the minor’s parent or legal guardian believes
33 should be confidential.

34
35 **(c) Requests for confidentiality**

36
37 (1) Person making request

38
39 A request for confidentiality may be made by a minor or a minor’s parent or legal
40 guardian.

41

1 (2) Number of minors

2
3 A request for confidentiality by a parent or legal guardian may be made for more
4 than one minor. "Minor," as used in this rule, refers to all minors for whom a request
5 for confidentiality is made.

6
7 **(d) Procedures for making request**

8
9 (1) Timing of requests

10
11 A request for confidentiality may be made at any time during the case.

12
13 (2) Submission of request

14
15 The person submitting a request must complete and file *Request to Keep Minor's*
16 *Information Confidential* (form CH-160), a confidential form.

17
18 (3) Ruling on request

19
20 (A) Ruling on request without notice

21
22 The court must determine whether to grant an order of confidentiality without
23 requiring that any notice of the request be given to the other party, or both
24 parties if the minor is not a party in the proceeding. No adversary hearing is to
25 be held.

26
27 (B) Request for confidentiality submitted at the same time as a request for
28 restraining orders

29
30 If a request for confidentiality is submitted at the same time as a request for
31 restraining orders, the court must consider both requests consistent with Code
32 of Civil Procedure section 527.6(e) and must consider and rule on the request
33 for confidentiality before the request for restraining order is filed.

34
35 Documents submitted with the restraining order request must not be filed until
36 after the court has ruled on the request for confidentiality and must be
37 consistent with (C) below.

38
39 (C) Withdrawal of request

40
41 If a request for confidentiality under (B) is denied and the requester seeks to
42 withdraw the request for restraining orders, all of the following apply:

- 1 (i) The court must return the request for restraining order and the
2 accompanying proposed order forms to the requester, unfiled;
3
4 (ii) The order denying confidentiality must be filed and maintained in a
5 public file; and
6
7 (iii) The request for confidentiality must be filed and maintained in a
8 confidential file.
9

10 (4) *Need for additional facts*
11

12 If the court finds that the request for confidentiality is insufficiently specific to meet
13 the requirements under Code of Civil Procedure section 527.6(v)(2) for granting the
14 order, the court may take testimony from the minor, the minor's parent or legal
15 guardian, the person requesting a protective order, or other competent witness, in a
16 closed hearing in order to determine if there are additional facts that would support
17 granting the order.
18

19 (e) **Orders on request for confidentiality**
20

21 (1) *Rulings*
22

23 The court may grant the entire request, deny the entire request, or partially grant the
24 request for confidentiality.
25

26 (2) *Order granting request for confidentiality*
27

28 (A) *Applicability*
29

30 An order made under Code of Civil Procedure section 527.6(v) applies in this
31 case and in any other civil case to all registers of actions, indexes, court
32 calendars, pleadings, discovery documents, and other documents filed or served
33 in the action, and at hearings, trial, and other court proceedings that are open to
34 the public.
35

36 (B) *Minor's name*
37

38 If the court grants an order requesting confidentiality of the minor's name and:
39

- 40 (i) If the minor is a party to the action, the court must use the initials of the
41 minor. In addition, the court must use only initials to identify both parties
42 to the action if using the other party's name would likely reveal the
43 identity of the minor.

1
2 (ii) If the minor is not a party to the action, the court must not include any
3 information that would likely reveal the identity of the minor, including
4 the name, age, gender, and whether the minor lives with the person
5 making the request for confidentiality.

6
7 (C) Circumstances surrounding protective order (statements related to minor)
8

9 If the court grants an order requesting confidentiality, the order must
10 specifically identify the information about the minor in *Request for Civil*
11 *Harassment Restraining Orders* (form CH-100) and any other applicable
12 document that must be kept confidential. Information about the minor ordered
13 confidential by the court must not be made available to the public.

14
15 (D) Service
16

17 The other party, or both parties if the person making the request for
18 confidentiality is not a party to the action, must be served with a copy of the
19 *Order on Request to Keep Minor's Information Confidential* (form CH-165)
20 and *Notice of Order Protecting Information of Minor* (form CH-170). In
21 addition, the *Request to Keep Minor's Information Confidential* (form CH-160)
22 must be served when the request for confidentiality is granted.

23
24 (E) Order denying request for confidentiality
25

26 (i) The order denying confidentiality must be maintained in a public file.
27 The request for confidentiality must be filed in a confidential file.

28
29 (ii) Notwithstanding denial of a request to keep the minor's address
30 confidential, the address may be confidential under other statutory
31 provisions.

32
33 (f) **Procedures to protect confidential information when order is granted**
34

35 (1) If a request for confidentiality is granted in whole or in part, the court, in its
36 discretion, and taking into consideration the factors stated in (g), must ensure that the
37 order granting confidentiality is maintained in the most effective manner by:

38
39 (A) Ordering that the court will redact all information to be kept confidential from
40 all applicable documents;
41

1 (B) Ordering the requesting party or the requesting party’s attorney to prepare a
2 redacted copy of all applicable documents and submit all redacted copies to the
3 court for review and filing; or

4
5 (C) Ordering any other procedure that facilitates the prompt and accurate
6 preparation of a redacted copy of all applicable documents in compliance with
7 the court’s order granting confidentiality, provided the selected procedure is
8 consistent with (g).

9
10 (2) The redacted copy or copies must be filed in a public file, and the original unredacted
11 copy or copies must be filed in a confidential file.

12
13 (3) Information that is made confidential from the public and the restrained person must
14 be sealed and filed in a confidential file accessible only to the minor or minors who
15 are subjects of the order of confidentiality, a parent or legal guardian who requested
16 confidentiality, and the court.

17
18 **(g) Standards for selecting procedures**

19
20 In determining the procedure to follow under (f), the court must consider the following
21 factors:

22
23 (1) Whether the requesting party is represented by an attorney;

24
25 (2) Whether the requesting party has immediate access to a self-help center or other
26 legal assistance;

27
28 (3) Whether the requesting party is capable of preparing redacted materials without
29 assistance;

30
31 (4) Whether the redactions to the applicable documents are simple or complex; and

32
33 (5) When applicable, whether the selected procedure will ensure that the orders on the
34 *Request for Civil Harassment Restraining Orders* (form CH-100) and the request for
35 confidentiality are entered in an expeditious and timely manner.

36
37 **(h) Sharing of information about a protected minor**

38
39 (1) *Sharing of information with the respondent*

40
41 Information about a protected minor must be shared with the respondent only as
42 provided in Code of Civil Procedure section 527.6(v)(4)(B).

1 (2) Sharing of information with law enforcement

2
3 Information about a protected minor must be shared with law enforcement only as
4 provided in Code of Civil Procedure section 527.6(v)(4)(A).
5

6 **(i) Protecting information in subsequent filings and other civil cases**

7
8 (1) Filings made after an order granting confidentiality

9
10 (A) A party seeking to file a document or form after an order for confidentiality
11 has been made must submit the *Cover Sheet for Confidential Information*
12 (form CH-175) attached to the front of the document to be filed.
13

14 (B) Upon receipt of form CH-175 with attached documents, the court must:

15
16 (i) Order a procedure for redaction consistent with those stated in (f);

17
18 (ii) File the unredacted document in the confidential file pending receipt of
19 the redacted document if the redacted document is not prepared on the
20 same court day; and

21
22 (iii) File the redacted document in the public file after it has been reviewed
23 and approved by the court for accuracy.
24

25 (2) Other civil case

26
27 (A) Information subject to an order of confidentiality issued under Code of Civil
28 Procedure section 527.6(v) must be kept confidential in any other civil case.
29

30 (B) The minor or person making the request for confidentiality and any person
31 who has been served with a notice of confidentiality must submit a copy of the
32 order of confidentiality in any other civil case involving the same parties.
33

34 **Advisory Committee Comment**

35
36 **Subdivisions (a)–(e).** The process described in this rule need not be used for minors if the request for
37 confidentiality is merely to keep an address confidential and a petitioning minor has a mailing address
38 which need not be kept private that can be listed on the forms. The form does not require the address of a
39 nonpetitioning minor.
40

41 This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to
42 seal a record. The standard as reflected in Code of Civil Procedure section 527.6(v)(2) is based on NBC

1 Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178. The standard recognizes the First
2 Amendment right of access to documents used at trial or as a basis of adjudication.

3
4
5 **Rule 5.382. Request to make minor’s information confidential in domestic violence**
6 **protective order proceedings**

7
8 **(a) Application of rule**

9
10 This rule applies to requests and orders made under Family Code section 6301.5 to keep a
11 minor’s information confidential in a domestic violence protective order proceeding.

12
13 Wherever used in this rule, “parent” refers only to a parent who is a legal guardian.

14
15 **(b) Information that may be made confidential**

16
17 The information that may be made confidential includes:

- 18
19 (1) The minor’s name;
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21 (2) The minor’s address;
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23 (3) The circumstances surrounding the protective order with respect to the minor. These
24 include the allegations in the *Request for Domestic Violence Retraining Order (form*
25 DV-100) that involve conduct directed, in whole or in part, toward the minor; and
26
27 (4) Any other information that the minor or minor’s parent or legal guardian believes
28 should be confidential.

29
30 **(c) Requests for confidentiality**

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32 (1) *Person making request*

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34 A request for confidentiality may be made by a minor or a minor’s parent or legal
35 guardian.

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37 (2) *Number of minors*

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39 A request for confidentiality by a parent or legal guardian may be made for more
40 than one minor. “Minor,” as used in this rule, refers to all minors for whom a request
41 for confidentiality is made.
42

1 **(d) Procedures for making request**

2
3 **(1) Timing of requests**

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5 A request for confidentiality may be made at any time during the case.

6
7 **(2) Submission of request**

8
9 The person submitting a request must complete and file *Request to Keep Minor's*
10 *Information Confidential* (form DV-160).

11
12 **(3) Ruling on request**

13
14 **(A) Ruling on request without notice**

15
16 The court must determine whether to grant an order of confidentiality without
17 requiring that any notice of the request be given to the other party, or both
18 parties if the minor is not a party in the proceeding. No adversary hearing is to
19 be held.

20
21 **(B) Request for confidentiality submitted at the same time as a request for**
22 **restraining orders**

23
24 If a request for confidentiality is submitted at the same time as a request for
25 restraining orders, the court must consider both requests consistent with Family
26 Code section 6326, and must consider and rule on the request for confidentiality
27 before the request for restraining order is filed.

28
29 Documents submitted with the restraining order request must not be filed until
30 after the court has ruled on the request for confidentiality and must be
31 consistent with (C) below.

32
33 **(C) Withdrawal of request**

34
35 If a request for confidentiality under (B) is denied and the requester seeks to
36 withdraw the request for restraining orders, all of the following apply:

37
38 **(i) The court must return the request for restraining orders and**
39 **accompanying proposed order forms to the requester, unfiled;**

40
41 **(ii) The order denying confidentiality must be filed and maintained in a**
42 **public file; and**

1 (iii) The request for confidentiality must be filed and maintained in a
2 confidential file.

3
4 (4) *Need for additional facts*

5
6 If the court finds that the request for confidentiality is insufficiently specific to meet
7 the requirements under Family Code section 6301.5(b) for granting the order, the
8 court may take testimony from the minor, the minor's parent or legal guardian, the
9 person requesting a protective order, or other competent witness, in a closed hearing
10 in order to determine if there are additional facts that would support granting the
11 order.

12
13 (e) **Orders on request for confidentiality**

14
15 (1) *Rulings*

16
17 The court may grant the entire request, deny the entire request, or partially grant the
18 request for confidentiality.

19
20 (2) *Order granting request for confidentiality*

21
22 (A) *Applicability*

23
24 An order made under Family Code section 6301.5 applies in this case and in
25 any other civil case to all registers of actions, indexes, court calendars,
26 pleadings, discovery documents, and other documents filed or served in the
27 action, and at hearings, trial, and other court proceedings that are open to the
28 public.

29
30 (B) *Minor's name*

31
32 If the court grants an order requesting confidentiality of the minor's name and:

33
34 (i) If the minor is a party to the action, the court must use the initials of the
35 minor. In addition, the court must use only initials to identify both parties
36 to the action if using the other party's name would likely reveal the
37 identity of the minor.

38
39 (ii) If the minor is not a party to the action, the court must not include any
40 information that would likely reveal the identity of the minor, including
41 the name, age, gender, and whether the minor lives with the person
42 making the request for confidentiality.

1 (C) Circumstances surrounding protective order (statements related to minor)

2
3 If the court grants an order requesting confidentiality, the order must
4 specifically identify the information about the minor in *Request for Domestic*
5 *Violence Restraining Order* (form DV-100) and any other applicable document
6 that must be kept confidential. Information about the minor ordered
7 confidential by the court must not be made available to the public.

8
9 (D) Service and copies

10
11 The other party, or both parties if the person making the request for
12 confidentiality is not a party to the action, must be served with a copy of the
13 *Order on Request to Keep Minor's Information Confidential* (form DV-165)
14 and *Notice of Order Protecting Information of Minor* (form DV-170). In
15 addition, the *Request to Keep Minor's Information Confidential* (form DV-
16 160) must be served when the request for confidentiality is granted.

17
18 The protected person and the person requesting confidentiality (if not the
19 protected person) must be provided up to three copies of redacted and
20 unredacted copies of any request or order form.

21
22 (E) Order denying request for confidentiality

23
24 (i) The order denying confidentiality must be maintained in a public file.
25 The request for confidentiality must be filed in a confidential file.

26
27 (ii) Notwithstanding denial of a request to keep the minor's address
28 confidential, the address may be confidential under other statutory
29 provisions.

30
31 (f) **Procedures to protect confidential information when order is granted**

32
33 (1) If a request for confidentiality is granted in whole or in part, the court, in its
34 discretion, and taking into consideration the factors stated in (g), must ensure that the
35 order granting confidentiality is maintained in the most effective manner by:

36
37 (A) Ordering that the court will redact all information to be kept confidential from
38 all applicable documents;

39
40 (B) Ordering the requesting party or the requesting party's attorney to prepare a
41 redacted copy of all applicable documents and submit all redacted copies to the
42 court for review and filing; or

1 (C) Ordering any other procedure that facilitates the prompt and accurate
2 preparation of a redacted copy of all applicable documents in compliance with
3 the court’s order granting confidentiality, provided the selected procedure is
4 consistent with (g).

5
6 (2) The redacted copy or copies must be filed in a public file, and the original
7 unredacted copy or copies must be filed in a confidential file.

8
9 (3) Information that is made confidential from the public and the restrained person must
10 be sealed and filed in a confidential file accessible only to the minor or minors who
11 are subjects of the order of confidentiality, a parent or legal guardian who requested
12 confidentiality, and the court.

13
14 **(g) Standards for selecting procedures**

15
16 In determining the procedures to follow under (f), the court must consider the following
17 factors:

18
19 (1) Whether the requesting party is represented by an attorney;

20
21 (2) Whether the requesting party has immediate access to a self-help center or other
22 legal assistance;

23
24 (3) Whether the requesting party is capable of preparing redacted materials without
25 assistance;

26
27 (4) Whether the redactions to the applicable documents are simple or complex; and

28
29 (5) When applicable, whether the selected procedure will ensure that the orders on the
30 *Request for Domestic Violence Restraining Order* (form DV-100) and the request for
31 confidentiality are entered in an expeditious and timely manner.

32
33 **(h) Sharing of information about a protected minor**

34
35 (1) *Sharing of information with the respondent*

36
37 Information about a protected minor must be shared with the respondent only as
38 provided in Family Code section 6301.5(d)(2).

39
40 (2) *Sharing of information with law enforcement*

41
42 Information about a protected minor must be shared with law enforcement only as
43 provided in Family Code section 6301.5(d)(1).

1
2 **(i) Protecting information in subsequent filings and other civil cases**

3
4 **(1) Filings made after an order granting confidentiality**

5
6 **(A) A party seeking to file a document or form after an order for confidentiality**
7 **has been made must submit the *Cover Sheet for Confidential Information***
8 **(form DV-175) attached to the front of the document to be filed.**

9
10 **(B) Upon receipt of form DV-175 with attached documents, the court must:**

11
12 **(i) Order a procedure for redaction consistent with those stated in (f);**

13
14 **(ii) File the unredacted document in the confidential file pending receipt of**
15 **the redacted document if the redacted document is not prepared on the**
16 **same court day; and**

17
18 **(iii) File the redacted document in the public file after it has been reviewed**
19 **and approved by the court for accuracy.**

20
21 **(2) Other civil case**

22
23 **(A) Information subject to an order of confidentiality issued under Family Code**
24 **section 6301.5 must be kept confidential in any other civil case.**

25
26 **(B) The minor or person making the request for confidentiality and any person**
27 **who has been served with a notice of confidentiality must submit a copy of the**
28 **order of confidentiality in any other civil case involving the same parties.**

29
30 **Advisory Committee Comment**

31
32 **Subdivisions (a), (b), (d), and (e).** The process described in this rule need not be used if the request for
33 confidentiality is merely to keep an address confidential and the minor has a mailing address which does
34 not need to be kept private that can be listed on the forms, or if the minor's address can be made
35 confidential under Family Code section 3429. In addition, the address need not be listed on the protective
36 order for enforcement purposes under Family Code section 6225.

37
38 **This rule and rule 2.551 provide a standard and procedures for courts to follow when a request is made to**
39 **seal a record. The standard as reflected in Family Code section 6301.5 is based on *NBC Subsidiary***
40 **(*KNBC-TV*), *Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The standard recognizes the First**
41 **Amendment right of access to documents used at trial or as a basis of adjudication.**

Clerk stamps date here when form is filed.

Notice: Limits on Confidentiality

- Do NOT include any information on this form that you do not want the other party to see. The other party in this case will have access to this form.
- The public will NOT have access to this form.

Instructions

- Complete this form if you want the court to keep information about a minor in a civil harassment restraining order proceeding confidential and not available to the public.
- You may also use this form to ask that information be kept confidential from the restrained person. See item 6 for more information.
- If you want to keep your home address confidential, you may use a mailing address rather than using this form.

DRAFT

04-23-2018

Not approved by the Judicial Council

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 Parties in This Case

- a. Person who requested restraining order (Form CH-100, item 1):
Full Name: _____
- b. Person from whom protection is sought (Form CH-100, item 2):
Full Name: _____

2 Person Making Request for Confidentiality

- a. Full Name: _____
- b. I am:
- (1) The minor requesting confidentiality.
- (2) The parent legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: _____

Name: _____

Name: _____

Name: _____

Check here if there are additional minors. List their names on a separate piece of paper, add the title "Attachment 2," and attach it to this form.

This is not a Court Order.



3 Contact Information

a. Your lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Requests for More Than One Minor (ONLY for parents or legal guardians)

I am making this request for two or more minors.

a. The information I want confidential (as checked in item **5**) is the SAME for all minors.b. The information I want confidential (as checked in item **5**) is NOT the same for all minors.*If you checked b, make sure you list all the information you want confidential for each minor in **5**. If you need more space in **5**, attach a separate piece of paper.***5 Information to Be Kept Confidential From the Public**

I want the information checked below to be made confidential and NOT available to the public.

*Check ALL that apply:*a. **Minor's name***(Note: If your request is granted, the public would not have access to your name in this case, but the Restrained Person and law enforcement must be given this information.)*b. **Minor's address**

The address I want kept confidential is: _____

(Note: You do NOT have to make this request if you have a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.) *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5b" on the top, and attach to this form.***This is not a Court Order.**

c. **Information relating to the minor**

(Note: If information relating to the minor is made confidential by the court, the public would not have access to this information but the Restrained Person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) Attach a copy of Form CH-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) List the information below, identifying the location of the statements in Form CH-100 or other document that you are filing.

<p>Location of Information <i>(for example, Form #, page #, paragraph #, line #, attachment #, or exhibit #)</i></p>	<p>Information to Be Redacted <i>(not viewable by the public)</i></p>
---	--

(a)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(b)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(c)	_____	_____
	_____	_____
	_____	_____
	_____	_____
(d)	_____	_____
	_____	_____
	_____	_____
	_____	_____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5c" on the top, and attach to this form.

This is not a Court Order.



6 **Information to Be Kept Confidential From the Restrained Person**

(Note: The Restrained Person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the Restrained Person to have access to some of the information checked in item **5**.

a. What information do you want to be confidential and not given to the Restrained Person?

b. Why:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

7 **Reasons for Request**

To approve your request, the court must expressly find all of the following:

- The minor's right to privacy overcomes the right of the public access to the information;
- There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential;
- The order to keep the information confidential is narrowly tailored; and
- No less restrictive means exist to protect the minor's privacy.

Use these four requirements to help you answer the questions below..

a. Why should the information about the minor checked in item **5** be kept private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7a" on the top, and attach to this form.

This is not a Court Order.

b. What do you think would happen if the information was NOT made private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7b" on the top, and attach to this form.

8 **If the request for confidentiality is denied, withdraw the request for restraining orders** (can only be requested by person asking for restraining order (person in item 1 on Form CH-100)).

If request to keep information confidential is DENIED, I ask the court to not make a decision on my request for restraining orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.

9 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: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

CH-165

Order on Request to Keep Minor's Information Confidential

Clerk stamps date here when form is filed.

DRAFT
04-23-2018
Not approved by
the Judicial Council

Person in ② must complete items ① and ② only.

① Parties in This Case

- a. Person who requested restraining order (Form CH-100, item ①):
Full Name: _____
- b. Person from whom protection is sought (Form CH-100, item ②):
Full Name: _____

② Person Making Request for Confidentiality

Full Name: _____

Court will complete item ③ if request is denied and items ④–⑬ if request is granted or partially granted.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Court's Decision

The court has reviewed the request for confidentiality and makes the following decision:

③ Denied or More Information Needed

- a. **DENIED.** The request to keep information of a minor or minors confidential is denied.
 - The person requesting the civil harassment restraining order may withdraw his or her request for restraining orders as reflected in Form CH-100. The request and proposed order forms must be returned to the requester and not filed with the court unless the person seeking the restraining order agrees to file them without any redactions.
- b. **More information is needed for court decision.** You must go to court on the time and date below.

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

- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: _____

Judge (or Judicial Officer)

Instructions to Clerk
If item ③ is checked, file page 1 in a public file and discard pages 2–5.
File the request for confidentiality (Form CH-160) in a confidential file.

This is a Court Order.



Court will complete the rest of this form if the request is partially or fully granted

4 GRANTED

- a. **Granted in Full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items 5–12.
- b. **Partially Granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items 5–12.

5 Findings

- The court finds all of the following (*all of these findings are required if granting in full or in part*):
 - a. The right to privacy of the minors listed in item 6 overcomes the right of public access to the information;
 - b. There is a substantial probability that the interests of the minors listed in item 6 will be prejudiced if the information is not kept confidential;
 - c. The order is narrowly tailored; and
 - d. No less restrictive means exist to protect the privacy of the minors in item 6.

6 Minors Subject to This Order

This order protects the information listed in item 8 for the following minors:

- a. Name: _____
- b. Name: _____
- c. Name: _____
- d. Name: _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

References in this Order to "the minor" refer to all minors listed here.

7 **WARNING:** If the information listed in item 8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.

8 Information to Be Kept Confidential From Public

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. Name of minor

True name of minor in item 6 <i>(to be kept confidential)</i>	Initials viewable by the public <i>(to be used in redacted version)</i>

This is a Court Order.



b. **Address of minor**

The following addresses of minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. **Information relating to minor (check one):**

(1) The information CIRCLED in the attached copy of Form CH-100 or other document or form is made confidential by this order.

(2) The information below is made confidential by this order:

Location of Information
(e.g., Form #, page #, item #, paragraph #, line #, attachment or exhibit #)

Information to Be Redacted
(not viewable by the public)

(a) _____

(b) _____

(c) _____

(d) _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 8" on the top, and attach to this form.

d. **Other**

This is a Court Order.



9 Information to Be Kept Confidential From the Restrained Person

The restrained person (*full name*) _____ will have access to the following information checked in item **(8)** to comply with the protective order and prepare a response:

- a. All the information, unredacted.
- b. All the information except for the following:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on the top, and attach to this form.

WARNING: If the information listed in item **(8) is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.**

10 Responsibility for Redacting All Forms and Documents

- a. All forms and documents submitted with the request for confidentiality **must be redacted and filed with the Court** no later than (*number of court days or date*) _____, by the:
 - (1) Court
 - (2) Person making the request
 - (3) Other: _____
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

11 Court Records and Hearings

The information listed in item **(8)** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case.
- b. Future court hearings, including any documents introduced during a hearing in this case or any civil case in the State of California.

12 To All Parties

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **(8)** must be filed with Form CH-175, *Cover Sheet for Confidential Information*, attached to the front.

This is a Court Order.



13 To the Person Making the Request for Confidentiality:

You must do the following:

- a. Have a copy of each form listed in item c below **personally served** on (given to) the Restrained Person. *(See Form CH-200-INFO to find out how to meet this requirement. Personal service is required when the protected person is making this request and when CH-100, CH-109 and CH-110 have NOT been served on the Restrained Person.)*
- b. Have a copy of each form listed in item c mailed to the:
 - (1) Restrained Person
 - (2) Protected Person
 - (3) Other: _____
(See Form CH-250 to find out how to meet this requirement.)
- c. Forms to serve:
 - (1) Form CH-170, *Notice of Order Protecting Information of Minor*
(Form CH-170 should be the first page with all others stapled behind.)
 - (2) Form CH-100, *Request for Civil Harassment Restraining Order*
 - (3) Form CH-109, *Notice of Court Hearing*
 - (4) Form CH-110, *Temporary Restraining Order*
 - (5) Form CH-160, *Request to Keep Minor's Information Confidential*
 - (6) Form CH-165, *Order on Request to Keep Minor's Information Confidential*
 Unredacted Redacted (if item 9b is checked)
 - (7) Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
 - (8) Other: _____
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: _____

Judge (or Judicial Officer)

Instructions to Clerk

The original copy of all unredacted documents containing the information checked in item 8 must be:

- Kept in a confidential file;
- Must NOT appear in any register of actions;
- Must NOT appear in any calendar; and
- Must NOT appear in any index.

Any information listed in item 9b must be sealed and filed in a confidential file.

This is a Court Order.

*Clerk stamps date here when form is filed.***DRAFT****04-23-18****NOT APPROVED BY
THE JUDICIAL COUNCIL***Fill in court name and street address:***Superior Court of California, County of***Fill in the case number and ticket number (if you have it):***Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in Form CH-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information must ONLY be given to law enforcement to enforce the restraining order.

2 Documents Attached to This Notice

The following documents contain confidential information:

- a. Form CH-100, *Request for Civil Harassment Restraining Order*
- b. Form CH-109, *Notice of Court Hearing*
- c. Form CH-110, *Temporary Restraining Order*
- d. Form CH-130, *Restraining Order After Hearing*
- e. Form CH-160, *Request to Keep Minor's Information Confidential*
- f. Form CH-165, *Order on Request to Keep Minor's Information Confidential*
- g. Form CH-175, *Cover Sheet for Confidential Information* (leave blank)
- h. Other: _____

3 Filing documents

If you file any document in this case or other civil case that contains any confidential information **you MUST also use Form CH-175 as a cover sheet**. See Form CH-165, item **(8)** for all information made confidential by the court.

4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court.

Instructions to Clerk

When providing copies of unredacted filed documents to the parties, you must attach this cover sheet on top of any form or set of forms. Complete item **(2)** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

DRAFT

04-23-2018

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Instructions to Parties

- When to use this cover sheet:
- Form CH-165 has been issued by the Court
AND
- You want to file a document or form that includes confidential information
How to use this cover sheet:
- Make two copies of the documents you want to file.
- Complete this form, place it on top of the documents you want to file, and file it with court.

1 Parties in This Case

- a. Person who filed the case: (Name):
b. Other party or parties: (Name):

2 Information About the Order for Confidentiality

- a. The Order was made in (check one):
(1) This case.
(2) Another civil case:
(a) Case number:
(b) County it was filed in:
Attach a copy of the order (Form CH-165) if you have one.
b. Minor protected by confidentiality order:
(1) Name:
(2) Name:
Check here if you need more space. Include the information on a separate piece of paper, write "Attachment 2" on the top, and attach it to this form.

Instructions to Clerk

- 1. The Court must review and approve the redacted version of documents attached to this cover sheet before filing.
2. Once approved by the Court, file the redacted version in a public file.
3. File the unredacted version and this cover sheet in a confidential file.

3 I have attached two copies of the following documents:

- Form CH-
Other form or document (describe):

Date:

Type or print your name

Sign your name

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council

1 Name of Person Asking for Order:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of

2 Name of Person to Be Restrained:

The court will fill out the rest of this form.

Court fills in case number when form is filed.

Case Number:

3 Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2:

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

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form DV-100, *Request for Domestic 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 for denial of some or all of those personal conduct and stay-away orders as requested in Form DV-100, *Request for Civil Harassment Restraining Orders*, are:

- (1) The facts as stated in Form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code sections 6320 and 6320.5)
- (2) The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
- (3) Further explanation of reason for denial, or reason not listed above:



5 Confidential Information Regarding Minor

- a. A Request to Keep Minor's Information Confidential (Form DV-160) was made and **GRANTED** (see Form DV-165, Order on Request to Keep Minor's Information Confidential, served with this form.)
- b. **If the request was granted, the information described on the order (Form DV-165, item 8) must be kept CONFIDENTIAL. The disclosure or misuse of the information is punishable as contempt of court, with a fine of up to \$1,000.**

6 Service of Documents by The Person in 1

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 (DV-109, Notice of Court Hearing) to the person in 2 along with a copy of all the forms indicated below:

- a. DV-100, Request for Civil Harassment Restraining Orders (file-stamped)
- b. DV-110, Temporary Restraining Order (file-stamped) **IF GRANTED**
- c. DV-120, Response to Request for Civil Harassment Restraining Orders (blank form)
- d. DV-120-INFO, How Can I Respond to a Request for Civil Harassment Restraining Orders?
- e. DV-250, Proof of Service of Response by Mail (blank form)
- f. DV-170, Notice of Order Protecting Information of a Minor, and DV-165, Order on Request to Keep Minor's Information Confidential (file-stamped), **IF GRANTED**
- g. Other (specify): _____

Date: _____

Judicial Officer

Right to Cancel Hearing: Information for the Person in 1

- If item 4(a)(2) or 4(a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, Waiver of Hearing on Denied Request for Temporary Restraining Order. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item 6 on the other person.
- If you want to keep the hearing date, you must have all of the documents listed in item 6 served on the other person within the time listed in item 6.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.

To the Person in ① :

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service*, may be used.
- For information about service, read Form DV-200-INFO, *What Is “Proof of Personal Service”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

To the Person in ② :

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Orders*, to the person in ① and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older — **not you** — must do it.
- To show that the person in ① has been served by mail, the person who mailed the form must fill out a proof of service form. Form DV-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 hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- 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 five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell 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 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—

Clerk’s Certificate
[seal]

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

Clerk stamps date here when form is filed.

Notice: Limits on Confidentiality

- Do NOT include any information on this form that you do not want the other party to see. The other party in this case will have access to this form if your request is granted.
- The public will NOT have access to this form.

Instructions

- Complete this form if you want the court to keep information about a minor in a domestic violence restraining order proceeding confidential and not available to the public.
- You may also use this form to ask that information be kept confidential from the restrained person. See item 6 for more information.
- If you only want to keep your home address confidential, you may use a mailing address rather than using this form.

DRAFT

Not approved by the Judicial Council

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 Parties in This Case

a. Person who requested restraining order (Form DV-100, item 1):

Full Name: _____

b. Person from whom protection is sought (Form DV-100, item 2):

Full Name: _____

2 Person Making Request for Confidentiality

a. Full Name: _____

b. I am:

(1) The minor requesting confidentiality.

(2) The parent legal guardian of the minor or minors listed here.

List all the minors that you are making the request for:

Name: _____

Name: _____

Name: _____

Name: _____

Check here if there are additional minors. List their names on a separate piece of paper, add the title "Attachment 2," and attach it to this form.

This is not a Court Order.



3 Contact Information

- a. Your lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 Requests for More Than One Minor (ONLY for parents or legal guardians)

I am making this request for two or more minors.

- a.
-
- The information I want confidential (as checked in item 5) is the SAME for all minors.
-
- b.
-
- The information I want confidential (as checked in item 5) is NOT the same for all minors.

*If you checked (b), make sure you list all the information you want confidential for each minor in 5. If you need more space in 5 attach a separate piece of paper.***5 Information to Be Kept Confidential From the Public**

I want the information checked below to be made confidential and NOT available to the public.

Check ALL that apply:

- a.
-
- Minor's name**

(Note: If your request is granted, the public would not have access to your name in this case, but the Restrained Person and law enforcement must be given this information.) *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5a" on the top, and attach to this form.*

- b.
-
- Minor's address**

The address I want kept confidential is: _____

(Note: You do NOT have to make this request if you have a mailing address that does not need to be kept confidential. Use that mailing address on all forms in this case and any other civil case.) *Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5b" on the top, and attach to this form.***This is not a Court Order.**

c. **Information relating to the minor**

(Note: If information relating to the minor is made confidential by the court, the public would not have access to this information but the Restrained Person must be given the information that is necessary to comply with the restraining order and to respond to the restraining order request.)

Describe all information in the documents that will be filed that you want kept confidential.

You may either *(check one)*:

- (1) Attach a copy of Form DV-100 or other document that you are filing. Circle all the information you want kept confidential.
- (2) List the information below, identifying the location of the statements in Form DV-100 or other document that you are filing.

Location of Information <i>(for example, Form #, page #, paragraph #, line #, attachment #, or exhibit #)</i>	Information to Be Redacted <i>(not viewable by the public)</i>
(a) _____ _____ _____	_____ _____ _____
(b) _____ _____ _____	_____ _____ _____
(c) _____ _____ _____	_____ _____ _____
(d) _____ _____ _____	_____ _____ _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 5" on the top, and attach to this form.

This is not a Court Order.



6 **Information to Be Kept Confidential From the Restrained Person**

(Note: The Restrained Person must be given information necessary to comply with the restraining order and to respond to the restraining order request.)

I do not want the Restrained Person to have access to some of the information checked in item **5**.

a. What information do you want to be confidential and not given to the Restrained Person?

b. Why:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

7 **Reasons for Request**

To approve your request, the court must expressly find all of the following:

- The minor's right to privacy overcomes the right of the public access to the information;
- There is a substantial probability that the minor's interest will be prejudiced if the information is not kept confidential;
- The order to keep the information confidential is narrowly tailored; and
- No less restrictive means exist to protect the minor's privacy.

Use these four requirements to help you answer the questions below.

a. Why should the information about the minor checked in item **5** be kept private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7a" on the top, and attach to this form.

This is not a Court Order.

b. What do you think will happen if the information is NOT made private or confidential?

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 7b" on the top, and attach to this form.

8 If the request for confidentiality is denied, withdraw the request for restraining orders (can only be requested by person asking for restraining order (person in item 1 on Form DV-100)).

If the request to keep information confidential is DENIED, I ask the court to not make a decision on my request for restraining orders. I understand that withdrawing my request means that I will not receive a restraining order in this case.

9 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: _____

Type or print your name

Signature of person making this request

This is not a Court Order.

DV-165

Order on Request to Keep Minor's Information Confidential

Clerk stamps date here when form is filed.

DRAFT
03-28-2018
**Not approved by
the Judicial Council**

Person in ② must complete items ① and ② only.

① Parties in This Case

- a. Person who requested restraining order (Form DV-100, item ①):
Full Name: _____
- b. Person from whom protection is sought (Form DV-100, item ②):
Full Name: _____

② Person Making Request for Confidentiality

Full Name: _____

Court will complete item ③ if request is denied and items ④-⑬ if request is granted or partially granted.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

Court's Decision

The court has reviewed the request for confidentiality and makes the following decision:

③ Denied or More Information Needed

- a. **DENIED.** The request to keep information of a minor or minors confidential is denied.
 - The person requesting the domestic violence restraining order may withdraw their request for restraining orders as reflected in Form DV-100. The request and proposed order forms must be returned to the requester and not filed with the court unless the person seeking the restraining order agrees to file them without any redactions.
- b. **More information is needed for court decision.** You must go to court on the time and date below.

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

- c. If ③ is checked, only this page of this order form will be issued. All other pages may be discarded.

Date: _____

Judge or Judicial Officer

Instructions to Clerk
If item ③ is checked, file page 1 in a public file and discard pages 2-5.
File the request for confidentiality (Form DV-160) in a confidential file.

This is a Court Order.



Court will complete the rest of this form if the request is partially or fully granted

4 **GRANTED**

- a. **Granted in Full.** The request to keep the information of a minor or minors confidential is granted in full. Details of the order are stated below in items **5** – **12**.
- b. **Partially Granted.** The request to keep the information of a minor or minors confidential is granted only in part. Details of the order are stated below in items **5** – **12**.

5 **Findings**

- The court finds all of the following (*all of these findings are required if granting in full or in part*):
 - a. The right to privacy of the minors listed in item **6** overcomes the right of public access to the information;
 - b. There is a substantial probability that the interests of the minors listed in item **6** will be prejudiced if the information is not kept confidential;
 - c. The order is narrowly tailored; and
 - d. No less restrictive means exist to protect the privacy of the minors in item **6**.

6 **Minors Subject to This Order**

This order protects the information listed in item **8** for the following minors:

- a. Name: _____
- b. Name: _____
- c. Name: _____
- d. Name: _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 6" on the top, and attach to this form.

References in this Order to "the minor" refer to all minors listed here.

7 **WARNING:**

If the information listed in item **8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1000 for contempt of court.**

8 **Information to Be Kept Confidential From Public**

The following information must be kept confidential and not viewable by the public. (*Check all that apply.*)

- a. **Name of minor**

True name of minor in item 6 <i>(to be kept confidential)</i>

Initials viewable by the public <i>(to be used in redacted version)</i>

This is a Court Order.



b. **Address of minor**

The following addresses of minors listed in item ⑥ must be redacted and must not be viewable to the public.

c. **Information relating to minor**

(1) The information CIRCLED in the attached copy of Form DV-100 or other document or form is made confidential by this order.

(2) The information below is made confidential by this order:

Location of Information <i>(e.g., Form #, page #, item #, paragraph #, line #, attachment or exhibit #)</i>	Information to be Redacted <i>(not viewable by the public)</i>
(a) _____ _____ _____	_____ _____ _____
(b) _____ _____ _____	_____ _____ _____
(c) _____ _____ _____	_____ _____ _____
(d) _____ _____ _____	_____ _____ _____

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 8" on the top, and attach to this form.

d. **Other**

This is a Court Order.



9 Information to Be Kept Confidential From the Restrained Person

The restrained person (*full name*) _____ will have access to the following information checked in item **8** to comply with the protective order and prepare a response:

- a. All the information, unredacted.
- b. All the information except for the following:

Check here if additional space is needed and include the information on a separate piece of paper, write "Attachment 9" on the top, and attach to this form.

WARNING: If the information listed in item **8 is misused or disclosed to anyone other than law enforcement, you may be fined up to \$1,000 for contempt of court.**

10 Responsibility for Redacting All Forms and Documents

- a. All forms and documents submitted with the request for confidentiality *must be redacted and filed with the Court* no later than (*number of court days or date*) _____, by the:
 - (1) Court
 - (2) Person making the request
 - (3) Other: _____
- b. The redacted documents must be filed in a public file, and the unredacted documents must be filed in a confidential file.

11 Court Records and Hearings

The information listed in item **8** must NOT be disclosed by the court in any:

- a. Registers of actions, indexes, court calendars, court transcripts, or minute orders in this case and in the future in any other civil case filed in the State of California; or
- b. Future court hearings, including any document introduced during a hearing in this case or any civil case in the State of California.

12 To All Parties

- a. The information made confidential by this order must NOT be made public in this case or any other civil case.
- b. Any documents filed in this case or any other civil case that includes information listed in item **8** must be filed with Form DV-175, *Cover Sheet for Confidential Information*, attached to the front.

This is a Court Order.



13 To the Person Making the Request for Confidentiality:

You must do the following:

- a. Have a copy of each form listed in section (c) *personally served* on (given to) the Restrained Person.
(See Form DV-200-INFO to find out how to meet this requirement.
Personal service is required when the protected person is making this request and when Forms DV-100, DV-109 and DV-110 have NOT been served on the Restrained Person.)
- b. Have a copy of each form listed in section (c) mailed to the:
 - (1) Restrained Person
 - (2) Protected Person
 - (3) Other: _____(See Form DV-250-INFO to find out how to meet this requirement.)
- c. Forms to serve:
 - (1) Form DV-170, *Notice of Order Protecting Information of a Minor*
(Form DV-170 should be the first page with all others stapled behind)
 - (2) Form DV-100, *Request for Domestic Violence Restraining Order*
 - (3) Form DV-109, *Notice of Court Hearing*
 - (4) Form DV-110, *Temporary Restraining Order*
 - (5) Form DV-160, *Request to Keep Minor's Information Confidential*
 - (6) Form DV-165, *Order on Request to Keep Minor's Information Confidential*
 Unredacted Redacted (if item 9(b) is checked)
 - (7) Form DV-175, *Cover Sheet for Confidential Information* (leave blank)
 - (8) Other: _____
- d. In any OTHER civil cases involving the minor, provide a copy of this order to the court in the other case.

Date: _____

Judge or Judicial Officer

Instructions to Clerk

- 1. The original copy of all unredacted documents containing the information checked in item **8** must be:
 - Kept in a confidential file;
 - Must NOT appear in any register of actions;
 - Must NOT appear in any calendar; and
 - Must NOT appear in any index.
- 2. If item 9(b) is checked, provide the person making this request no more than 3 certified copies of Forms DV-100, DV-109, and DV-110, which must include any information in item **8** but must NOT include any information listed in 10(b). Use Form DV-170 as a cover sheet for each set of forms.
- 3. Any information listed in item 9(b) must be sealed and filed in a confidential file.

This is a Court Order.

*Clerk stamps date here when form is filed.***DRAFT****NOT APPROVED BY THE JUDICIAL COUNCIL***Fill in court name and street address:***Superior Court of California, County of***Fill in the case number and ticket number (if you have it):***Case Number:****1 Confidential Information**

The court has made some information in this case confidential. Details of the Order for Confidentiality are in Form DV-165, *Order on Request to Keep Minor's Information Confidential*. Confidential information must **ONLY** be given to law enforcement to enforce the restraining order.

2 Documents Attached to This Notice

The following documents contain confidential information:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*
- b. Form DV-109, *Notice of Court Hearing*
- c. Form DV-110, *Temporary Restraining Order*
- d. Form DV-130, *Restraining Order After Hearing*
- e. Form DV-160, *Request to Keep Minor's Information Confidential*
- f. Form DV-165, *Order on Request to Keep Minor's Information Confidential*
- g. Form DV-175, *Cover Sheet for Confidential Information* (leave blank)
- h. Other: _____

3 Filing Documents

If you file any document in this case or other civil case that contains any confidential information **you MUST also use Form DV-175 as a cover sheet**. See Form DV-165, item **8** for all information made confidential by the court.

4 NOTICE TO RECIPIENT: If you misuse or disclose the confidential information in this case to anyone other than law enforcement, you could be fined up to \$1,000 for contempt of court.

Instructions to Clerk

When providing copies of unredacted filed documents to the parties, you must attach this cover sheet on top of any form or set of forms. Complete item **2** to indicate the forms that are attached.

Clerk stamps date here when form is filed.

DRAFT

NOT APPROVED BY THE JUDICIAL COUNCIL

Fill in court name and street address:

Superior Court of California, County of

Fill in the case number and ticket number (if you have it):

Case Number:

Instructions to Parties

- When to use this cover sheet:
- Form DV-165 has been issued by the Court
AND
- You want to file a document or form that includes confidential information
How to use this cover sheet:
- Make two copies of the documents you want to file.
- Complete this form, place it on top of the documents you want to file and file it with court.

1 Parties in This Case

- a. Person who filed the case: (Name):
b. Other party or parties: (Name):

2 Information About the Order for Confidentiality

- a. The Order was made in (check one):
(1) This case.
(2) Another civil case:
(a) Case number:
(b) County it was filed in:
Attach a copy of the order (Form DV-165) if you have one.
b. Minor protected by confidentiality order:
(1) Name:
(2) Name:
Check here if you need more space. Include the information on a separate piece of paper, write Attachment 2 on the top, and attach it to this form.

Instructions to Clerk

- 1. The Court must review and approve the redacted version of documents attached to this cover sheet before filing.
2. Once approved by the Court, file the redacted version in a public file.
3. File the unredacted version and this cover sheet in a confidential file.

3 I have attached two copies of the following documents:

- Form DV-
Other form or document (describe):

Date:

Type or print your name

Sign your name