

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SPR22-24

Title

Juvenile Law: Restraining Orders

Action Requested

Review and submit comments by May 13, 2022

Proposed Rules, Forms, Standards, or Statutes

Repeal Cal. Rules of Court, rule 5.495; amend rules 5.620, 5.625, and 5.630; adopt forms JV-258, JV-259, JV-260, JV-265, JV-268, JV-272, and JV-274; revise forms JV-245, JV-247, JV-250, and JV-255; revise form JV-251 and renumber as forms JV-251 and JV-253; revise form DV-800/JV-252 and renumber as form DV-800/JV-270; and revise form DV-800/JV-252-INFO and renumber as form DV-800-INFO/JV-270-INFO

Proposed Effective Date

January 1, 2023

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Proposed by

Family and Juvenile Law Advisory
Committee
Hon. Stephanie E. Hulseley, Cochair
Hon. Amy M. Pellman, Cochair

Executive Summary and Origin

The Family and Juvenile Law Advisory Committee recommends repealing one rule and amending three rules of the California Rules of Court, adopting seven forms, and revising seven current forms, to conform to recent statutory changes enacted by Senate Bill 1141 (Rubio; Stats. 2020, ch. 248) and Senate Bill 374 (Min; Stats. 2021, ch. 135) regarding the definition of “disturbing the peace” in restraining order cases; and to conform to recent statutory changes enacted by Senate Bill 320 (Eggman; Stats. 2021, ch. 685) and Assembly Bill 1057 (Petrie-Norris; Stats. 2021, ch. 682) regarding firearms and ammunition prohibitions. The proposal will also provide separate application and order forms relating to restraining orders against a juvenile, and includes one new proof of service form to ensure the juvenile restraining orders are entered into the California Law Enforcement Telecommunications System (CLETS) database. At the same time, the committee proposes converting the forms to plain-language forms, so they are consistent with other restraining order forms and are easier to understand, complete, and enforce.

This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.

Background

Senate Bill 1141 modified the definition of “abuse” under the Domestic Violence Prevention Act by codifying the definition of “disturbing the peace” provided in case law and including “coercive control” as a means of disturbing someone’s peace.¹ California Rules of Court, rule 5.630(c) provides that the definition of “abuse” in Family Code section 6203 applies to restraining orders issued under Welfare and Institutions Code section 213.5.² Family Code section 6203 includes in the definition of “abuse” “to engage in any behavior that has been or could be enjoined pursuant to Section 6320.” Effective January 1, 2022, the Judicial Council revised several Domestic Violence forms to implement the definition in SB 1141. This proposal mirrors that language. See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Forms that Implement New Laws* (Sept. 3, 2021). Senate Bill 374 more recently added “reproductive coercion” as an example of “coercive control.”³

Senate Bill 320 expands the courts’ role in ensuring that firearms and ammunition are properly relinquished by people subject to domestic violence restraining orders. According to the legislative analysis, mandatory statewide policies are needed to ensure that restrained persons are promptly disarmed after an order for relinquishment is made. The statute largely codifies existing rule 5.495 of the California Rules of Court.⁴ The legislative analysis indicates that the presence of a firearm in the home during an incident of domestic violence significantly increases the risk of homicide.⁵

The Proposal

Changes already approved by the Judicial Council

The request and restraining order forms in this proposal⁶ follow the language to implement SB 1141’s definition of “coercive control” as approved by the Judicial Council for the council’s Domestic Violence (DV) forms series, effective January 1, 2022.⁷ The new language includes examples of coercive control on the request and order forms, as well as definitions of disturbing the peace and coercive control on the order forms. The only definition in the coercive control items that has not yet been reviewed by the Judicial Council is the definition of “reproductive coercion,” which is contained in new legislation (SB 374) and is discussed below.

¹ Fam. Code, § 6320(c).

² All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

³ Fam. Code, § 6320(c).

⁴ For this reason, the committee is also proposing the repeal of that rule. See Invitation to Comment, Domestic Violence: Rule and Form Changes to Implement New Laws, at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm> .

⁵ Sen. Floor Analysis, to Sen. Bill 320 (2021–2022 Reg. Sess.) Sept. 9, 2021, p. 5.

⁶ JV-245, JV-250, JV-255, JV-258, JV-260, and JV-265

⁷ See Judicial Council of Cal, Advisory Com. Rep., *Domestic Violence: Forms that Implement New Laws* (Sept. 3, 2021) <https://jcc.legistar.com/View.ashx?M=F&ID=9785460&GUID=13510582-8DBB-4B19-AD68-118880969612>

The forms in this proposal also limit questions about physical characteristics on the request forms—forms JV-245 and JV-258—as approved by the Judicial Council for the Domestic Violence forms, effective January 1, 2022.⁸

The item specifically listing existing criminal protective orders has been removed from the order forms (item 12 on the current JV-250 and item 7 on the current JV-255), as approved by the Judicial Council for the Domestic Violence forms, effective January 1, 2022.⁹

Reproductive coercion

Senate Bill 374 adds “reproductive coercion” as an example of “coercive control.”¹⁰ To implement SB 374, the committee is proposing to revise the restraining order forms with a definition of reproductive coercion. Under Family Code section 6320(c)(5), reproductive coercion is defined as “control over the reproductive autonomy of another through force, threat of force, or intimidation, and may include, but is not limited to, unreasonably pressuring the other party to become pregnant, deliberately interfering with contraception use or access to reproductive health information, or using coercive tactics to control, or attempt to control, pregnancy outcomes.” The committee proposes simplifying the statutory language as follows: “[c]ontrolling someone’s reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone’s contraception, birth control, pregnancy, or access to related health information.”¹¹

Firearm parts

Assembly Bill 1057 adds to the definition of a “firearm” under the Domestic Violence Prevention Act firearm parts, specifically receivers, frames, and “firearm precursor parts,” which are unfinished receivers and frames.¹² This means that a restrained person may not have these parts for the duration of the order. This new definition of firearm will also apply to gun violence restraining orders. Because this bill impacts two protective order forms series, the council’s

⁸ The questions regarding the proposed restrained person are limited to name, gender, race, and age, with date of birth optional, consistent with what is required by the Department of Justice to register a protective order into CLETS. All other information regarding the restrained person, including address and physical characteristics, will be requested only on the order forms and form CLETS-001. A “nonbinary” option will be included for gender. See Judicial Council of Cal., Advisory Com. Rep., *Domestic Violence: Forms that Implement New Laws* (Sept. 3, 2021), page 4 at <https://jcc.legistar.com/View.ashx?M=F&ID=9785460&GUID=13510582-8DBB-4B19-AD68-118880969612>

⁹ The committee concluded that this item was unnecessary because criminal protective orders do not automatically have priority in enforcement over other restraining orders, as they did before the passage of Assembly Bill 176 (Campos; Stats. 2013, ch. 263). In response to an alleged violation, a law enforcement officer would need to check CLETS for the existence of any restraining order between the parties and would have information in real time that would be more accurate and complete than information provided on the order forms. See Judicial Council of Cal. Adv. Com. Rep., *Domestic Violence: Forms that Implement New Laws* (Sept. 3, 2021), page 8 at <https://jcc.legistar.com/View.ashx?M=F&ID=9785460&GUID=13510582-8DBB-4B19-AD68-118880969612>

¹⁰ Fam. Code, § 6320(c).

¹¹ See forms JV-250, item 10; JV-251, item 10; JV-255, item 12; and JV-256, item 12.

¹² Pen. Code, § 16531. The change is intended to include so-called “ghost guns” (unserialized and untraceable firearms that can be bought online and assembled at home) in the items that restrained people cannot possess and must surrender.

Family and Juvenile Law Advisory Committee (“the committee”) worked with the council’s Civil and Small Claims Advisory Committee to harmonize changes to the extent possible. Both committees propose referring to receivers, frames, and unfinished receivers/frames as “firearm parts” rather than “firearms” or “firearm precursor parts.” The committees also propose using the nomenclature “ghost guns” on the information forms.

Plain-language forms

In addition to the changes needed to implement SB 1141, SB 374, SB 320, and AB 1057, the committee is proposing to convert the juvenile protective order forms to the council’s plain-language format. All other protective order form series types (e.g., for domestic violence, civil harassment, and elder abuse protective orders) are in this format.

The committee proposes to convert the juvenile restraining orders to plain language for several reasons. First, the plain-language forms, although longer than traditional formatted council forms, use language that is easier for both the protected person and restrained person to understand. Second, it may be easier for judicial officers who are new to the juvenile court or who have multiple assignments to review and use the plain-language forms, since they may be familiar with the other protective order types that are currently in plain-language format. Additionally, law enforcement officers are accustomed to seeing and enforcing the plain-language forms, so converting the juvenile forms to the same format will make them easier to enforce. Places like daycare facilities and schools are also used to seeing protective orders in the plain-language format, which would make the juvenile restraining orders in plain language easier to understand by people who care for children who may be protected by the orders.

Restraining orders against a child

The orders that a court can make restraining a child in a juvenile justice (delinquency) case are very limited compared to the orders a court can make protecting a child in the juvenile court.¹³ Many of the orders on the current *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) and the current *Restraining Order—Juvenile* (form JV-255) cannot be made in a juvenile justice case when the child is the restrained party. To clarify what orders the court can make in these cases, the committee proposes creating a new form containing only the limited orders a court can make, and law enforcement can enforce, restraining a child under section 213.5(b). Additionally, the basis for granting the restraining order is limited in section 213.5(b) to the protected party is at risk because of the restrained person’s actions.

Currently, the orders restraining a child are contained in one item on the current protective order (item 6 on JV-250 and item 4 on JV-255), while most of the other orders on those order forms cannot be made against a restrained child, including the stay-away and move-out orders. The limitations make the current orders in juvenile justice cases difficult to issue, understand, and enforce. The current request (form JV-245) does not specify which of the orders in the request are allowable against a child under the controlling statute for juvenile justice cases or have an option to request only those orders. The committee is therefore proposing to create new, separate

¹³ § 213.5(b). The juvenile court may only issue orders enjoining the child from contacting, threatening, stalking, or disturbing the peace of any person the court finds to be at risk from the conduct of the child (§ 213.5(b)).

request and order forms to restrain juveniles in juvenile justice cases. This would achieve a goal of this proposal: to develop forms that are easier to issue, understand, and enforce.

Mirror the Domestic Violence Prevention Act (DVPA) forms

The committee made many items in the juvenile forms consistent with the DVPA forms. The committee considered making all items the same but given the different controlling statutes and differences in DVPA and juvenile court proceedings, this was not always appropriate. For example, there are no move-out or stay-away orders like those contained in the DV order forms in the proposed protective orders against a child because section 213.5(b) does not authorize those orders against a minor.-. Another example is that the checkboxes in item 3a on the request form JV-245—by which an applicant may indicate from a list of abusive behaviors which ones apply in this action—do not appear on the DVPA request form (form DV-100), where the behaviors are presented as examples only. Since checkboxes are on a similar item in the current form JV-245, the committee concluded that these items should be different on the two different forms series. Additionally, the list has much fewer examples of abusive behavior to choose from than the long list of examples on the DVPA forms. Since all parties in dependency proceedings have attorneys, the committee concluded that a shorter list with fewer examples of more common types of abuse was appropriate for the juvenile forms.¹⁴ Also, the social worker or probation officer prepares written reports for the juvenile court that will describe the history and nature of the abuse. Items on the proposed request forms ask if there is a report that supports the request filed with the court (form JV-245, item 3c; form JV-246, item 3b). Because reports are not typically prepared for the court for domestic violence restraining order hearings, a similar item does not appear on the parallel DVPA forms.

Additionally, there are many orders the court can make under the DVPA that the court cannot make under section 213.5; these orders do not appear on the juvenile restraining order forms. The current DVPA forms use the word “continue” for forms regarding changing a court date. Since the committee is proposing to convert the juvenile forms to plain language, the committee concluded that “reschedule” was an easier to understand term than “continue” and proposes using that phrase for the forms to request and order a new hearing date. The use of the term “reschedule” instead of “continue” will be considered in the future for all of the committee’s plain-language restraining order forms. Also of note, new Family Code section 6306(f) does not apply to juvenile court restraining orders issued under section 213.5 and, therefore, the new requirement that the court notify law enforcement about noncompliance with a firearms prohibition does not apply and was not included in the juvenile forms implementing SB 320,¹⁵ although the items are reflected in the revisions to the DVPA forms the committee is proposing concurrently with this proposal.

Other orders

The committee considered retaining the items in the restraining order forms in which the juvenile court could include “Other orders,” but decided to remove it. The language in section 213.5 does not specify that the court can make orders that are not authorized in the statute. The committee

¹⁴ To limit the list to more common types of abuse, the committee decided to not add a choice for reproductive coercion to the list of abusive behaviors on the juvenile forms, but did include an example of it on the DVPA forms.

¹⁵ This includes forms JV-255, item 9; JV-256, item 9; JV 272, items 2 and 3; and JV-274, item 3.

agreed that removing this item from the form does not prevent the juvenile court from making other orders outside of the restraining order process. The juvenile court has broad discretion to make “any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child” as part of the child’s ongoing dependency case.¹⁶ The committee also agreed that certain orders, such as counseling or a batterers’ intervention program, could be included elsewhere, in a parent’s case plan, for example, or in a restrained child’s conditions of probation.

Exclusive jurisdiction

Section 213.5 gives the juvenile court exclusive jurisdiction to issue a restraining order to protect the child who is the subject of a petition under section 300, or any other child in the household.¹⁷ Section 213.5 is a very dense statute that is difficult to understand. To emphasize when the court has exclusive jurisdiction in these proceedings, the committee proposes adding this statutory provision to the rules of court.¹⁸

Proof of service

Currently, *Proof of Service—Juvenile* (form JV-510) may be used by parties in juvenile proceedings as the form to record proof of service of the juvenile restraining order forms. That form, however, is not specific to the restraining order process. It also does not have a CLETS identifier on the form, which indicates to court clerks that the form must be entered into CLETS. The committee proposes creating a new proof of service form specific to the juvenile restraining order series with a CLETS identifier, which would make it easier for courts to identify the proofs of service that should be entered into this important database. It is critical that these proofs of service be entered into CLETS so that law enforcement can confirm the existence and content of the orders on the scene of an alleged violation of the order.

Conflicting Orders

The committee also proposes to revise the “Conflicting Orders—Priorities for Enforcement” found on the last page of the new and revised restraining order forms. The Criminal Law Advisory Committee identified that the existing language does not accurately reflect the requirements under Penal Code section 136.2(e)(2), which prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration over a civil protective order against the same defendant. The specified sex offenses and offenses requiring sex offender registration were added as priorities in Assembly Bill 1498 (Stats. 2014, ch. 665). Further, Assembly Bill 1171 (Stats. 2021, ch. 626) repealed section 262 on spousal rape and amended 136.2(e)(2) to include “former 262.” Currently, all protective orders include the same language regarding priority for enforcement. This new language would be used on all the order forms, as they become due for revisions.

¹⁶ Section 362(a).

¹⁷ Section 213.5(a).

¹⁸ See proposed rule 5.630(a) included in this Invitation to Comment.

Proposed rules

Rule 5.495

Rule 5.495, relating to firearms relinquishment procedures, would be repealed as it is now codified by the provisions in SB 320.¹⁹

Rule 5.620

Rule 5.620, relating to orders that a court may make after a petition has been filed to make a child a dependent of the court under section 300, including restraining orders, would be amended to use the new plain-language titles of the restraining order forms referenced in the rule.

Rule 5.625

Rule 5.625, relating to orders that a court may make after a petition has been filed to make a child a ward of the court under sections 601 or 602, including restraining orders, would be amended to add two new forms (discussed below) as alternative forms to prepare restraining orders on when the restrained person is the child in a juvenile justice (delinquency) proceeding and to use the new plain-language titles of the other forms referenced in the rule.

Rule 5.630

Rule 5.630, relating to juvenile court restraining orders, would be amended to add three new forms (discussed below) as alternative forms to request and prepare restraining orders on when the restrained person is the child in a juvenile justice (delinquency) proceeding, and to use the new plain-language titles of the other forms referenced in the rule that are being revised in this proposal.

Subpart (a) of the rule would be amended to clarify that the juvenile court has exclusive jurisdiction under section 213.5 to issue a restraining order to protect the child who is the subject of a petition under section 300, or any other child in the household. It would also be amended to repeat the court's authority in section 304 to, on its own motion, issue an order as provided for in section 213.5, or as described in Family Code section 6218.

Subpart (b) of the rule would be amended to include the procedure to follow if the court issues a temporary restraining order by oral motion.

Additionally, the rule would be amended at subpart (d) to reflect the holding in the California Supreme Court case *In re E.F.*²⁰ that section 213.5 incorporates the notice requirements in Code of Civil Procedure section 527(c).

Subpart (h), relating to firearms relinquishments, would be amended to remove the reference to the procedures in rule 5.495 and would replace it with the procedures in Family Code sections 6322.5 and 6389. It would also be amended to add ammunition as required by SB 320.

¹⁹ Committee is also circulating an Invitation to Comment on proposed revisions to Domestic Violence restraining order forms. See Invitation to Comment, Domestic Violence: Rule and Form Changes to Implement New Laws, at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm> The proposed repeal of rule 5.495 is included here for the convenience of commenters.

²⁰ (2021) 11 Cal.5th 320.

Subpart (k) of the rule would also be amended to remove the repealed statutory language that the criminal records search requirements only apply in courts identified by the Judicial Council as having resources available to perform the searches.

Proposed revised forms

Four forms would be revised to include the new definition of “disturbing the peace” from SB 1141 and SB 374 and to convert the forms to plain-language forms.²¹ These forms are *Request for Juvenile Restraining Order* (form JV-245), *Response to Request for Juvenile Restraining Order* (form JV-247), *Notice of Court Hearing and Temporary Restraining Order (Juvenile)* (form JV-250), and *Restraining Order After Hearing (Juvenile)* (form JV-255).

Form JV-245 would also be revised to include an item about notice of the request for a temporary order to reflect the holding in the California Supreme Court case *In re E.F.*²² that section 213.5 incorporates the notice requirements in Code of Civil Procedure section 527(c).

In developing the plain language forms, the committee paralleled the format for the forms used for domestic violence restraining orders, whenever possible. The plain language changes include simplifying language, eliminating unnecessary repetition, providing more white space on each page, reorganizing content, and minimizing the use of italics. These changes will make the forms easier to understand, complete, and enforce as discussed above under “Plain-language forms.”

The current *Answer to Request for Restraining Order* (form JV-247) is an ineffective way to respond to a request for a restraining order. It only allows the person to agree or not agree with the personal conduct order, the move-out order, or the stay-away order. The multiple other orders that can be made are not included on the form. The committee proposes revising this response form and creating another, one for use when the restrained person is an adult, and one for use when the restrained person is a child in a juvenile justice (delinquency) proceeding. Both of these forms are modeled after the current DV response form. Revised form JV-247 would include all the potential orders the petitioner may request and separate items for the person filling out the form to indicate for each requested order why they disagree with the request or to describe a different order they would agree to rather than only a single item where the person can state why the court should not make a restraining order against them, as is on the current form. The form would also be renamed *Response to Request for Juvenile Restraining Order*. (The proposed new form for use when the restrained person is a child in a juvenile justice (delinquency) proceeding is discussed below.)

The committee is also—in another Invitation to Comment—proposing revising two forms relating to the statutory requirements that restrained parties cannot own or possess firearms. The same forms are used for both domestic violence and juvenile law restraining order and the

²¹ The format of the forms is different in several ways from the traditional Judicial Council plain-language style but is the same as that in DV forms approved by the Judicial Council effective January 1, 2022. The differences are described in more detail in the invitation to comment on those forms prior to the council’s action. See Invitation to Comment, Domestic Violence: Revising Forms to Implement New Laws at <https://www.courts.ca.gov/documents/spr21-14.pdf>

²² (2021) 11 Cal.5th 320.

proposed revisions can be viewed in this committee’s current Invitation to Comment titled *Domestic Violence: Rule and Form Changes to Implement New Laws*.²³ The proposed revisions are summarized here as well for the convenience of commenters.

Proof of Firearms Turned In, Sold, or Stored (form DV-800/JV-252) would be revised to include the new provisions about firearm parts from AB 1057. It would also be renamed *Proof of Surrender of Firearms, Firearm Parts, and Ammunition* and renumbered as form DV-800/JV-270. Similar revisions would be made to the current *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-252-INFO). It would be renamed *How Do I Turn In, Sell, or Store Firearms, Firearm Parts, and Ammunition?* and renumbered as form DV-800-INFO/JV-270-INFO.

For the revised forms DV-800/JV-270, the committees propose reorganizing the form to improve usability. Specifically, the form has been reorganized so that all the information fields the restrained person must complete are listed consecutively on pages 1 and 2. At the top of the form, all users (restrained person, licensed gun dealer, and law enforcement) can clearly see a list of the pages they are responsible for completing. The committees are also interested in collecting additional information, such as whether a specific firearm was stored or sold to a licensed gun dealer (see page 3 of form DV-800/JV-270).

Proposed new forms

***Request for Juvenile Restraining Order Against a Child* (form JV-258), *Response to Request for Juvenile Restraining Order* (form JV-259), *Court Hearing and Temporary Restraining Order Against a Child* (form JV-260), and *Juvenile Restraining Order After Hearing—Against Child* (form JV-265)**

These would be new mandatory forms to request a restraining order and issue restraining orders when the restrained person is the child in a juvenile justice (delinquency) proceeding. As discussed above, the orders that a court can make restraining a child in a juvenile justice (delinquency) case are very limited in section 213.5(b)²⁴ so a separate set of forms is appropriate. Many of the orders on the current *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) and the current *Restraining Order—Juvenile* (form JV-255) cannot be made in a juvenile justice case when the child is the restrained party. To clarify what orders the court can make in these cases, the committee decided it was best to create new request and order forms with the limited orders allowed under section 213.5(b).

The order forms would also include the new provisions about ammunition from SB 320, as well as the new provisions about gun parts from AB 1057. Form JV-258 would also be revised to include an item about notice of the request for a temporary order to reflect the holding in the California Supreme Court case *In re E.F.*²⁵ that section 213.5 incorporates the notice requirements in Code of Civil Procedure section 527(c).

²³ Invitations to comment may be viewed at <https://www.courts.ca.gov/policyadmin-invitationstocomment.htm>

²⁴ The juvenile court may issue orders enjoining the child from contacting, threatening, stalking, or disturbing the peace of any person the court finds to be at risk from the conduct of the child (§ 213.5(b)).

²⁵ (2021) 11 Cal.5th 320.

Response to Request for Juvenile Restraining Order Against a Child (form JV-259)

This would be a mandatory form for a child in a juvenile justice (delinquency) proceeding to use to respond to a request for a restraining order against them and to indicate whether they agree with the requested orders. This form is modeled after the current DV response form and includes all the potential orders that have been requested and, for each, space for the child to indicate why they agree or disagree, or to describe a different order they would agree to.

Request to Reschedule Restraining Order Hearing (form JV-253); Order on Request to Reschedule Hearing (form JV-254)

The current *Request and Order to Continue Hearing* (form JV-251) would be separated and two individual plain-language forms are proposed in its place, one for the request and one for the order, and numbered as forms JV-253 and JV-254, respectively. Creating two forms will allow for both the request and the order to be filed separately with the court.

Proof of Personal Service (form JV-268)

This would be a new mandatory form to file with the court to show what forms were served on the restrained person and when. Please see the discussion of this form above on page 6.

Prohibited Items Finding and Orders (form JV-272)

This mandatory form would be attached to the temporary restraining order forms JV-250 or JV-260, or *Order on Request to Reschedule Hearing* (form JV-254). It implements SB 320 and AB 1057, contains a finding the court can make that the restrained person has prohibited items (firearms, firearm parts, or ammunition), and allows the court to set a hearing to review firearms and ammunition compliance.

Noncompliance with Firearms and Ammunition Order (form JV-274)

This mandatory form implements SB 320 and AB 1057 and would be used to provide notice to agencies that a restrained person has guns, firearms, firearm parts, or ammunition in violation of a restraining order. Because some information shared with law enforcement may be confidential, like certain information obtained in warrants or a background check, the committee proposes that this form be confidential.

Alternatives Considered

Plain-language forms

The committee considered maintaining the juvenile protective order forms in standard format instead of converting them to plain language. For the reasons stated above in this invitation to comment, the committee is proposing to convert the forms in this proposal to the plain language format.

Restraining orders against a child

The committee considered not creating a new set of forms for restraining orders against children in juvenile justice (delinquency) proceedings and continuing to use the current forms. However, the committee concluded that the new forms would be of assistance to both parties and the courts, by clarifying what orders—much more limited than in other juvenile restraining orders—

are available in such cases. For the reasons discussed above, the committee decided it was best to create new forms with the limited orders allowed under section 213.5(b).

Fiscal and Operational Impacts

The committee anticipates that this proposal would require courts to train court staff and judicial officers on the newly revised forms. In implementing the revised forms, courts will incur standard reproduction costs. While the plain-language forms have more pages than the standard forms, most people requesting and obtaining restraining orders in the juvenile court have lawyers, so the lawyers will bear a good deal of the reproduction costs, but on a much smaller scale than court reproduction would cost.

Request for Specific Comments

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

- Does the proposal appropriately address the stated purpose?
- Would changing the juvenile restraining order forms to plain language as proposed here be helpful to parties and the courts?
- Would the proposed second set of juvenile restraining order forms, solely for the proceedings where the restrained person is a child in the juvenile justice system, be helpful to parties and courts?
- Rather than a narrative description of abuse, would it be better for proposed form JV-258 at item 3 to have a checkbox list of items similar to what is on the proposed JV-245 at item 3?
- Are there additional examples of abuse that should be added to the list of behaviors on the proposed JV-245 at item 3?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would implementing these forms in a new plain-language format be unduly burdensome to implement during the pandemic? Or does the benefit of having forms that are easier to understand, complete, and enforce outweigh the implementation burden?
- Would the proposal provide cost savings? If so, please quantify.
- 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?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments and Links

1. Cal. Rules of Court, rules 5.495, 5.620, 5.625 and 5.630, at pages 14-21
2. Forms JV-245, JV-247, JV-250, JV-253, JV-254, JV-255, JV-258, JV-259, JV-260, JV-265, JV-268, DV-800/JV-270, DV-800-INFO/JV-270-INFO, JV-272, and JV-274 at pages 22-78
3. Link A: Assembly Bill 1057,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057
4. Link B: Senate Bill 320,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB320
5. Link C: Senate Bill 374,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB374

6. Link D: Senate Bill 1141,

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB1141

Rule 5.495 of the California Rules of Court would be repealed and rules 5.620, 5.625, and 5.630 would be amended, effective January 1, 2023, to read:

1
2 **Chapter 4. Protective Orders [Repealed]**

3
4 **Rule 5.495. Firearm relinquishment procedures [Repealed]**

5
6 ~~(a) — Application of rule~~

7
8 ~~This rule applies when a family or juvenile law domestic violence protective order~~
9 ~~as defined in Family Code section 6218 or Welfare and Institutions Code section~~
10 ~~213.5 is issued or in effect.~~

11
12 ~~(b) — Purpose~~

13
14 ~~This rule addresses situations in which information is presented to the court about~~
15 ~~firearms and provides the court with options for appropriately addressing the issue.~~
16 ~~This rule is intended to:~~

17
18 ~~(1) — Assist courts issuing domestic violence protective orders in determining~~
19 ~~whether a restrained person has a firearm in or subject to his or her~~
20 ~~immediate possession or control.~~

21
22 ~~(2) — Assist courts that have issued domestic violence protective orders in~~
23 ~~determining whether a restrained person has complied with the court's order~~
24 ~~to relinquish, store, or sell the firearm under Family Code section 6389(c).~~

25
26 ~~(c) — Firearm determination~~

27
28 ~~When relevant information is presented to the court at any noticed hearing that a~~
29 ~~restrained person has a firearm, the court must consider that information to~~
30 ~~determine, by a preponderance of the evidence, whether the person subject to a~~
31 ~~protective order as defined in Family Code section 6218 or Welfare and Institutions~~
32 ~~Code section 213.5 has a firearm in or subject to his or her immediate possession or~~
33 ~~control in violation of Family Code section 6389.~~

34
35 ~~(d) — Determination procedures~~

36
37 ~~(1) — In making a determination under this rule, the court may consider whether the~~
38 ~~restrained person filed a firearm relinquishment, storage, or sales receipt or if~~
39 ~~an exemption from the firearm prohibition was granted under Family Code~~
40 ~~section 6389(h).~~

1 (2) ~~The court may make the determination at any noticed hearing when a~~
2 ~~domestic violence protective order is issued, at a subsequent review hearing,~~
3 ~~or at any subsequent family or juvenile law hearing while the order remains~~
4 ~~in effect.~~

5
6 (3) ~~If the court makes a determination that the restrained person has a firearm in~~
7 ~~violation of Family Code section 6389, the court must make a written record~~
8 ~~of the determination and provide a copy to any party who is present at the~~
9 ~~hearing and, upon request, to any party not present at the hearing.~~

10
11 (e) ~~Subsequent review hearing~~

12
13 (1) ~~When presented with information under (c), the court may set a review~~
14 ~~hearing to determine whether a violation of Family Code section 6389 has~~
15 ~~taken place.~~

16
17 (2) ~~The review hearing must be held within 10 court days after the noticed~~
18 ~~hearing at which the information was presented. If the restrained person is not~~
19 ~~present when the court sets the review hearing, the protected person must~~
20 ~~provide notice of the review hearing to the restrained person at least 2 court~~
21 ~~days before the review hearing, in accordance with Code of Civil Procedure~~
22 ~~414.10, by personal service or by mail to the restrained person's last known~~
23 ~~address.~~

24
25 (3) ~~The court may for good cause extend the date of the review hearing for a~~
26 ~~reasonable period or remove it from the calendar.~~

27
28 (4) ~~The court must order the restrained person to appear at the review hearing.~~

29
30 (5) ~~The court may conduct the review hearing in the absence of the protected~~
31 ~~person.~~

32
33 (6) ~~Nothing in this rule prohibits the court from permitting a party to appear by~~
34 ~~telephone under California Rules of Court, rule 5.9.~~

35
36 (f) ~~Child custody and visitation~~

37
38 (1) ~~If the court determines that the restrained person has a firearm in violation of~~
39 ~~Family Code section 6389, the court must consider that determination when~~
40 ~~deciding whether the restrained person has overcome the presumption in~~
41 ~~Family Code section 3044.~~

1 before the hearing, unless the court issues an order shortening time for service. Therefore, by the
2 date of the hearing, the restrained person should have relinquished, stored, or sold his or her
3 firearms and submitted a receipt to the court.

4
5 Courts are encouraged to develop local procedures to calendar firearm relinquishment review
6 hearings for restrained persons.

7
8 Section (f) of this rule restates existing law on the safety and welfare of children and family
9 members and recognizes the safety issues associated with the presence of prohibited firearms.

10
11 Although this rule does not require the court to compel a restrained person to testify, the court
12 may wish to advise a party of his or her privilege against self incrimination under the Fifth
13 Amendment to the United States Constitution. The court may also consider whether to grant use
14 immunity under Family Code section 6389(d).

15
16 **Rule 5.620. Orders after filing under section 300**

17
18 (a) * * *

19
20 (b) **Restraining orders (§ 213.5)**

21
22 After a petition has been filed under section 300, and until the petition is dismissed
23 or dependency is terminated, the court may issue restraining orders as provided in
24 rule 5.630. A temporary restraining order must be prepared on *Notice of Court*
25 *Hearing and Temporary Restraining Order—Juvenile (Juvenile)* (form JV-250).
26 An order after hearing must be prepared on ~~*Restraining Order—Juvenile*~~
27 *Restraining Order After Hearing (Juvenile)* (form JV-255).

28
29 (c)–(e) * * *

30
31 **Rule 5.625. Orders after filing of petition under section 601 or 602**

32
33 (a) **Restraining orders (§ 213.5)**

34
35 After a petition has been filed under section 601 or 602, and until the petition is
36 dismissed or wardship is terminated, the court may issue restraining orders as
37 provided in rule 5.630. A temporary restraining order must be prepared on *Notice*
38 *of Court Hearing and Temporary Restraining Order—Juvenile (Juvenile)* (form
39 JV-250) or if the restrained person is the subject of a petition under section 601 or
40 *602, Court Hearing and Temporary Restraining Order Against a Child (Juvenile)*
41 (form JV-260). An order after hearing must be prepared on ~~*Restraining Order—*~~
42 *Juvenile Restraining Order After Hearing (Juvenile)* (form JV-255) or, if the

1 restrained person is the subject of a petition under section 601 or 602, *Restraining*
2 *Order After Hearing—Against Child (Juvenile)* (form JV-265).

3
4 **(b)–(c)** * * *

5
6 **Rule 5.630. Restraining orders**

7
8 **(a) Court’s authority (§§ 213.5, 304)**

9
10 (1) After a petition has been filed under section 300, 601, or 602, and until the
11 petition is dismissed or dependency or wardship is terminated, or the ward is
12 no longer on probation, the court may issue restraining orders as provided in
13 section 213.5. The juvenile court has exclusive jurisdiction under section
14 213.5 to issue a restraining order to protect the child who is the subject of a
15 petition under section 300, or any other child in the household.

16
17 (2) The juvenile court, on its own motion, may issue an order as provided for in
18 section 213.5, or as described in Family Code section 6218.

19
20 **~~(e)~~(b)** * * *

21
22 **~~(b)~~(c) Application for restraining orders**

23
24 (1) Application for restraining orders may be made orally at any scheduled
25 hearing regarding the child who is the subject of a petition under section 300,
26 601, or 602, or may be made by written application, or may be made on the
27 court’s own motion.

28
29 (2) If the application is made orally and the court grants a temporary order, the
30 court may direct the requesting party to prepare a temporary order, as
31 directed in (8) below, obtain the judicial officer’s signature, file the order
32 with the court, and serve the order on the restrained person.

33
34 ~~(2)(3)~~ The written If the application is made in writing, it must be submitted on
35 *Request for Restraining Order—Juvenile Request for Juvenile Restraining*
36 *Order* (form JV-245) or, if the request is for a restraining order against the
37 child or youth who is the subject of a petition under section 601 or 602,
38 *Request for Juvenile Restraining Order Against a Child* (form JV-258).

39
40 ~~(3)(4)~~ A person requesting applying for a restraining order in writing must submit to
41 the court with the request application a completed *Confidential CLETS*
42 *Information Form* (form CLETS-001) under rule 1.51.

1 ~~(d)~~ **Applications—procedure**

2
3 (5) If the application is related to domestic violence, the ~~The~~ application may be
4 submitted without notice, and the court may grant the ~~petition~~ request and
5 issue a temporary order.

6
7 (6) If the application is not related to domestic violence, the notice requirements
8 in Code of Civil Procedure section 527 apply.

9
10 ~~(4)~~(7) In determining whether or not to issue the temporary restraining order
11 without notice, the court must consider all documents submitted with the
12 application and may review the contents of the juvenile court file regarding
13 the child.

14
15 ~~(2)~~(8) The temporary restraining order must be prepared on *Notice of Court*
16 *Hearing and Temporary Restraining Order—Juvenile (Juvenile)* (form JV-
17 250) or, if the restrained person is the subject of a petition under section 601
18 or 602, *Court Hearing and Temporary Restraining Order Against a Child*
19 *(Juvenile)* (form JV-260), and must state on its face the date of expiration of
20 the order.

21
22 ~~(e)~~(d) **Continuance**

23
24 (1) The court may grant a continuance under ~~Welfare and Institutions Code~~
25 section 213.5.

26
27 (2) The court must grant one request for continuance by the restrained party for a
28 reasonable period of time to respond to the petition.

29
30 ~~(2)~~(3) Either *Request and Order to Continue Hearing (Temporary Restraining*
31 *Order—Juvenile)* (form JV-251) *Order on Request to Reschedule Hearing*
32 *(form JV-254)* or a new *Notice of Court Hearing and Temporary Restraining*
33 *Order—Juvenile (Juvenile)* (form JV-250) must be used for this purpose. If
34 the restrained person is the subject of a petition under section 601 or 602,
35 either *Order on Request to Reschedule Hearing* (form JV-254) or a new
36 *Court Hearing and Temporary Restraining Order Against a Child (Juvenile)*
37 (form JV-260) must be used.

38
39 ~~(f)~~(e) **Hearing on application for restraining order**

40
41 (1) Proof may be by the application and any attachments, additional declarations
42 or documentary evidence, the contents of the juvenile court file, testimony, or
43 any combination of these.

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(2) The restraining order hearing may be held at the same time as any regularly scheduled hearing to declare the child a dependent or ward of the juvenile court pursuant to section 300, 601, or 602, or subsequent hearings regarding the dependent or ward.

(3) The restraining order hearing must be held within the timelines in section 213.5(c)(1).

~~(2)~~(4) The order after hearing must be prepared on *Restraining Order—Juvenile Restraining Order After Hearing (Juvenile)* (form JV-255) or, if the restrained person is the subject of a petition under section 601 or 602, *Restraining Order After Hearing—Against Child (Juvenile)* (form JV-265), and must state on its face the date of expiration of the order.

(g)(f) Service of restraining order

When service of *Notice of Court Hearing and Temporary Restraining Order—Juvenile (Juvenile)* (form JV-250), *Court Hearing and Temporary Restraining Order Against a Child (Juvenile)* (form JV-260), ~~or *Juvenile Restraining Order After Hearing—Juvenile* (form JV-255), or *Restraining Order After Hearing—Against Child (Juvenile)* (form JV-265)~~ is made, it must be served with a blank *Proof of Firearms Turned In, Sold, or Stored Proof of Surrender of Firearms, Firearm Parts, and Ammunition* (form DV-800/~~JV-252~~ JV-270) and *How Do I Turn In, Sell, or Store My Firearms? Firearm Parts, and Ammunition?* (form DV-800-INFO/~~JV-252-INFO~~ JV-270-INFO). Failure to serve form ~~JV-252 or JV-252-INFO~~ JV-270 or JV-270-INFO does not make service of form JV-250, ~~or form JV-255, form JV-260, or form JV-265~~ invalid.

~~(h)~~**(g)** The firearm and ammunition relinquishment procedures in rule 5.495 Family Code sections 6322.5 and 6389 apply also to restraining orders issued under section 213.5.

(i)(h) * * *

(j)(i) Criminal records search (§ 213.5(k) and Stats. 2001, ch. 572, § 7)

(1) ~~Except as provided in (3), before~~ Before any hearing on the issuance or denial of a restraining order, the court must ensure that a criminal records search is or has been conducted as described in Family Code section 6306(a). Before deciding whether to issue a restraining order, the court must consider the information obtained from the search.

1 (2) If the results of the search indicate that an outstanding warrant exists against
2 the subject of the search, or that the subject of the search is currently on
3 parole or probation, the court must proceed under section 213.5(k)(3).
4

5 (3) ~~The requirements of (1) and (2) must be implemented in those courts
6 identified by the Judicial Council as having resources currently available for
7 these purposes. All other courts must implement the requirements to the
8 extent that funds are appropriated for this purpose in the annual Budget Act.~~
9

10 ~~(k)~~**(j) Modification of restraining order**

11
12 (1) A restraining order may be modified on the court’s own motion or in the
13 manner provided for in ~~Welfare and Institutions Code~~ section 388 and rule
14 ~~5.560~~ 5.570.
15

16 (2) A termination or modification order must be made on *Change to Restraining*
17 *Order After Hearing* (form JV-257). A new ~~*Restraining Order—Juvenile*~~
18 *Restraining Order After Hearing (Juvenile)* (form JV-255) ~~or, if the~~
19 restrained person is the subject of a petition under section 601 or 602, a new
20 *Restraining Order After Hearing—Against Child (Juvenile)* (form JV-265),
21 may be prepared in addition to form JV-257.

Instructions

Who should complete this form?

- Restrained Person- pages 1 and 2
- Licensed Gun Dealer- page 3
- Law Enforcement-page 4

Draft- Not approved by
the Judicial Council-
3.22..22

1 Protected Person

Name: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**2 Restrained Person**a. **Your name:** _____b. **⚠ Address where you can receive court papers**

(This address could be used by the court and by the person in ① to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

c. **⚠ Your contact information (optional)**

(The court could use this information to contact you. If you don't want the person in ① to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: _____ Email Address: _____ Fax: _____

d. **Your lawyer's information (if you have one)**

Name: _____ State Bar No.: _____

Firm Name: _____

3 To the Respondent/Restrained Person

The court has ordered you to surrender all of your firearms, firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), and ammunition, by turning them in to law enforcement or by selling them to or storing them with a licensed gun dealer. You may use this form to prove to the court that you have obeyed its orders. Ask the licensed gun dealer to complete item ⑥ or the law enforcement officer to complete item ⑦.

After the form is signed, make two copies. File the original with the court clerk. File a copy with the law enforcement agency that served you with the gun violence restraining order. Keep a copy for yourself. Failure to file a receipt with the court and with the law enforcement agency is a violation of the court's order. For help filling out this form, read *How Do I Turn In, Sell, or Store My Firearms?* (form DV-800-INFO/JV-720-INFO).

4 Do you have, own, possess, or control any other firearms, firearm parts, or ammunition besides the items listed in 6 or 7?

No

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

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

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

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

Check here if there is not enough space below for your answer. Use form MC-025 and write “Attachment 4c” for a title.

5 Your signature

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

Date: _____

Type or print your name

▲ _____
Sign your name



Case Number: _____

6 Licensed Gun Dealer

- a. Name of Licensed Gun Dealer: _____
- b. License number: _____
- c. Address: _____
- d. Telephone number: _____ Email address: _____
- e. Date of transfer of firearms/ammunition: _____ at: _____ a.m. p.m.

f. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

g. Ammunition

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

Check this box if more space is needed or to use a separate document to list all firearms or ammunition. Write "DV-800/JV-270, item 6" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in 6 is true and correct.

Date: _____

Type or print your name



Signature of licensed gun dealer



7 Law Enforcement

- a. Name of Law Enforcement Agency: _____
- b. Name of Law Enforcement Agent: _____
- c. Address: _____
- d. Telephone number: _____ Email address: _____
- e. Date of transfer of firearms/ammunition: _____ at: _____ a.m. p.m.

f. Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Stored	Seized
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

g. Ammunition

	<u>Brand</u>	<u>Type</u>	Amount	Stored	Seized
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(7)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(8)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Check this box if more space is needed or to use a separate document to list all firearms or ammunition. Write "DV-800/JV-270, item 7" at the top, and attach it to this form.

h. I declare under penalty of perjury under the laws of the State of California that the information listed in **7** is true and correct.

Date: _____

Type or print your name



Signature of law enforcement agent

What do I need to turn in?

You must turn in all **firearms, firearm parts, and ammunition** that you have or control.



Firearms include any:

- Handgun
- Rifle
- Shotgun
- Assault weapon

Firearm parts include:

- Receivers
- Frames
- Unfinished receivers and frames, also called “ghost guns”

How do I turn in my firearms, firearm parts, and ammunition?

You must turn them in to a licensed gun dealer, or law enforcement. You must do so within 24 hours of being served with the restraining order. If you were just in court and the judge granted a restraining order against you, follow the judge's orders right away. If you don't, the judge may be required to notify law enforcement or the local prosecutor of your violation.

How do I sell my firearm?

You can only sell or transfer your firearm to a licensed gun dealer.

How do I store my firearm?

License gun dealers and law enforcement agencies can store firearms but not all of them do. Contact them to find out if they will store your firearms and ask how much the fee is.

How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. They will give you specific instructions, like making sure your firearms are unloaded. Take a copy of the restraining order with you. **Do not** bring your firearms to court.

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

It depends. There are procedures for getting your firearm back after a restraining order expires. Ask the law enforcement agency.

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

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

How do I prove to the judge that I have complied with the orders?

- 1 Make sure you get a receipt from the licensed gun dealer or law enforcement for everything you turned in or sold. Bring a copy of form DV-800/JV-270, *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, with you and ask the dealer or officer to complete and sign the form.
- 2 File the receipt with the court. Make sure you get two copies. All receipts must be filed with the court within 48 hours from the time you were served with the restraining order, unless the judge gave you another deadline.
- 3 Give a copy of your receipts to the law enforcement agency that served you the restraining order. If you don't know who served you with the restraining order, ask the court clerk for a copy of the proof of service form for the restraining order. The law enforcement agency is listed on that form.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
JV-245.3.30.22

When to use this form

Use this form to ask for a restraining order if a child in juvenile court needs protection, or you want a restraining order and you have a relationship to the child as listed in item 1b below. If you have a lawyer in this case, the lawyer should fill out this form. **Do not** use this form if you want a restraining order against a child in a juvenile justice (delinquency) case; instead use form JV-247, *Request for Juvenile Restraining Order Against a Child*.

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

1 Person in Need of Protection

a. **Name:** _____

(If additional people need to be protected, list them in ④.)

Age: _____

b. **Relationship to child:**

- person in ① is the child
- parent
- guardian
- social worker
- probation officer
- child who lives in same household
- present caregiver of child
- court-appointed special advocate
- representative of Indian child's tribe
- other: _____

c. **Lawyer's information** (skip if you do not have a lawyer)

Name: _____ State Bar No.: _____

Firm name: _____

d. **! Address where you or your lawyer can receive mail**

(This address will be used by the court and by the person in ② to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their address.)

Address: _____

City: _____ State: _____ Zip: _____

e. **Your contact information** (optional) or your lawyer's contact information

Telephone: _____ Email Address: _____ Fax: _____

2 Person to Be Restrained

a. **Name:** _____

b. **Date of birth** (if known): _____ **Age** (give estimate if you do not know exact age): _____

c. **Gender:** Male Female Nonbinary

d. **Relationship to person in ① a:** _____

This is not a Court Order.



3 Describe Why You Need a Restraining Order

a. **Did the person in ② do any of these things to the person in ①?**

Check all that apply

(Note: These are only some examples of why someone might need a restraining order.)

- Physically hurt or tried to physically hurt
- Sexually abused or tried to sexually abuse
- Used or threatened to use gun or weapon
- Stalked
- Harassed by phone, online, or by any other means
- Isolated me from friends or family
- Kept me from eating or getting other basic necessities
- Destroyed property *(examples: breaking phone, door, window)*
- Other *(please explain):* _____

b. **Give details about what the person in ② did that was abusive or harassing.** Start with the most recent incident, then write about any other incidents. Be sure to include details like dates and any emotional or physical harm. Details can also include how often something happened, what was said, or use of weapons, etc.

Check here if you need more space to describe abuse or harassment. Attach a sheet of paper and write JV-245, Item 3 at the top.

c. Check here if you know if there is a report that supports your request that has been filed with the court, and complete the section below.

Who wrote the report and when was the report filed? *(check all that apply)*

- Social worker *(date report was filed):* _____
- Probation officer *(date report was filed):* _____
- Other *(name):* _____ *(date report was filed):* _____

This is not a Court Order.



4 Do other people need protection from the person in 2?

- No
- Yes (if yes, list them)

a. <u>Full name</u>	<u>Age</u>	<u>Relationship to the child</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

b. Why do these people need protection?

Check here if you need more space to describe why these people need protection. Attach a sheet of paper and write "JV-245, Item 4" at the top.

5 Did you provide notice to the person in 2 of this request for a restraining order?
 (Skip this item if your request is based on domestic violence.)

- a. No (If no, complete the section below.)
- (1) I did not notify the person in 2 or their attorney because I am afraid that the person in 2 will threaten or harm the person in 1a if they receive notice of this request before protection can be granted (explain):
- _____
- _____
- (2) Other (describe):
- _____
- _____

- b. Yes (If yes, complete section below.)
- (1) Who did you notify? Person in 2 Lawyer of Person in 2
- (2) When did you provide notice? (date): _____ (time): _____ a.m. p.m.
- (3) How did you provide notice? (check all that apply)
- Telephone (list number): _____
- Fax (list number): _____
- Email or other electronic means (specify): _____
- Other (describe): _____

This is not a Court Order.



6 Does Person in 2 Have Firearms (Guns), Firearm Parts, or Ammunition?

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

	Describe guns, firearms, firearm parts, or ammunition	How many or amount?	Location, if known
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

Choose the Orders That You Want a Judge to Make

In this section, you will choose the orders you want a judge to make now. Every situation is different. Choose the orders that fit your situation.

Check all the orders that you want a judge to make (order).

7 Order to Not Abuse

I ask the judge to order the person in 2 to not do the following things to any person listed in 1 or 4 :

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.

If this restraining order is needed to prevent domestic violence, "disturbing the peace" includes, but is not limited to:

- Destroying your mental or emotional well-being. This can be done directly or indirectly, such as through someone else. This can also be done in any way, including by phone, text, or online.
- Isolating you from friends, relatives, or other support; keeping you from food or basic needs; controlling or keeping track of you, including your movements, contacts, actions, money, or access to services; controlling or interfering with someone's contraception, birth control, pregnancy, or access to related health information; using force, threat, or intimidation to pressure someone to be or not be pregnant; and making you do something by force, threat, or intimidation, including threats related to actual or suspected immigration status.

This is not a Court Order.



8 **No-Contact Order**

I ask the judge to order the person in **(2)** to not contact any person listed in **(1)** or **(4)**.

9 **Stay-Away Order**

a. I ask the judge to order the person in **(2)** to stay away from the following persons and places:

Check all that apply

- Person listed in **(1)**
- Each person listed in **(4)**
- The home of any protected person
- The workplace of any protected person
- The vehicle of any protected person
- The school or child care of any protected person
- Other (*please explain*): _____

b. How far do you want the person to stay away from all the places you checked above?

- 100 yards (300 feet)
- Other (*give distance in yards*): _____

c. Do you and the person in **(2)** live together or live close to each other?

- No
- Yes (*If yes, check one*):
 - Live together (*If you live together, you can ask that the person in (2) move out in (13) .*)
 - Live in the same building, but not in the same home
 - Live in the same neighborhood
 - Other (*please explain*): _____

d. Do you and the person in **(2)** have the same workplace or go to the same school?

- No
- Yes (*If yes, check all that apply*):
 - Work together at (*name of company*): _____
 - Go to the same school (*name of school*): _____
 - Other (*please explain*): _____

10 **Order to Move-Out**

(You can make this request if: (1) The person in **(2)** lives with the child who is in juvenile court, and (2) the person in **(1)** is the child in juvenile court, or has care, custody, and control of the child. Complete the section below if you want to ask for this order.)

a. I ask the judge to order the person in **(2)** to move out of the home, located at:

Address: _____

This is not a Court Order.



10 b. What right does person in 1 have to live at the address listed above?

Check all that apply

The person in 1:

- owns the home.
- is on the lease.
- lives at the address with a child in this case.
- has lived at the address for _____ years, _____ months.
- pays for some or all of the rent or mortgage.
- other (please explain): _____

11 Visitation with Children

Check this box if you have a child or children with the person in 2 and want the judge to make orders to protect your children. You must also fill out [form JV-205](#), *Visitation (Parenting Time) Order—Juvenile*, and attach it to this form.

12 Protect Animals

a. (You may ask the judge to protect your animals, your children’s animals, or the person in 2’s animals.)

	Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

b. I ask the judge to protect the animals listed above by ordering the person in 2 to:

Check all that apply

- (1) Stay away from the animals by at least:
 - 100 yards (300 feet) Other (give distance in yards): _____
- (2) Not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- (3) Give me sole possession, care, and control of the animals because (check all that apply):
 - Person in 2 abuses the animals. I take care of these animals.
 - I purchased these animals. Other (please explain): _____

This is not a Court Order.

Automatic Orders

13 No Guns, Other Firearms, Firearm Parts, or Ammunition

If the judge grants you a restraining order, the person in ② must turn in, sell, or store any guns, other firearms, firearm parts, or ammunition that they have or control. The person in ② would also be prohibited from buying firearms and ammunition.

14 Cannot Look for Address or Location of Protected People and Others

If the judge grants a restraining order, the person in ② will not be allowed to look for the address or location of any person protected by the restraining. The person in ② will also not be allowed to look for the locations of family members, caretakers, or guardians of the person in ①. The court may choose not to grant this order, if it is shown the order is not needed.

15 Additional pages

If you used additional paper or forms, enter the number of extra pages attached to this form: _____

16 Your signature

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

Date: _____

Type or print your name



Sign your name

17 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

Your Next Steps

1 You must complete two additional forms:

- [Form JV-250](#), Notice of Court Hearing and Temporary Restraining Order (only items 1, 2 and 3)
- [Form CLETS-001](#), Confidential CLETS Information

2 Turn in your completed forms to the court. Find out when your forms will be ready for pick-up.

This is not a Court Order.

Clerk stamps date here when form is filed.

**Draft- Not approved by
Judicial Council. 3.28.22**

Use this form if someone has asked for a restraining order against you, and you want to respond in writing. If you have a lawyer in this case, the lawyer should fill out this form. You will need a copy of form JV-245, *Request for Juvenile Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

1 Name of Person Asking for Protection:*(See form JV-245, item 1 a):*

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

*Fill in child's name***Child's name:**

--

*Fill in case number:***Case Number:**

--

2 Restrained Person:**! Address where you can receive court papers**

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, work with them to fill out this form and give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)

Your hearing date is listed on form JV-250, *Notice of Court Hearing and Temporary Restraining Order*. If you do not agree to having a restraining order against you, attend your hearing. If you do not attend your hearing, the judge could grant a restraining order that could last up to three years.

This is not a Court Order.

How to complete this form: To answer the questions below, look at the form JV-245 filled out by the person in ①. Tip: When the restraining order forms say "the person in ②" that means you, and the "person in ①" means the person who is asking for a restraining order against you.

④ Information About You (see ② on form JV-245)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

⑤ Your Relationship to the Person in ①

In item ② of form JV-245, has the person in ① correctly described your relationship with the child?

Yes No If no, what is your relationship with the child?:

⑥ Other Protected People

If the judge grants a restraining order, it can include other people. See ④ on form JV-245 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. I agree to the order requested.
 b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

⑦ Order to Not Abuse (see ⑦ on form JV-245)

- a. I agree to the order requested.
 b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

⑧ No-Contact Order (see ⑧ on form JV-245)

- a. I agree to the order requested.
 b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



9 **Stay-Away Order** (see **9** on form JV-245)
a. I agree to the orders requested.
b. I do not agree to the orders requested.
Explain why you disagree, or describe a different order that you would agree to: _____

10 **Order to Move Out** (see **10** on form JV-245)
a. I agree to the order requested.
b. I do not agree to the order requested.
Explain why you disagree, or describe a different order that you would agree to: _____

11 **Protect Animals** (see **11** on form JV-245)
a. I agree to the orders requested.
b. I do not agree to the orders requested.
Explain why you disagree, or describe a different order that you would agree to: _____

12 **Visitation of Children** (see **12** on form JV-245)
a. I agree to the orders requested.
b. I do not agree to the orders requested.
Explain why you disagree, or describe a different order that you would agree to: _____

13 **Guns, Other Firearms, Firearm Parts, or Ammunition** (see **13** on form JV-245)
If you were served with form JV-250, *Temporary Restraining Order*, you must follow the orders in **7** on form JV-250. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received form JV-250. You may use [form DV-800/JV-270, Proof of Surrender of Firearms, Firearm Parts and Ammunition](#), for the receipt.
 Check all that apply
a. I do not own or have any prohibited items (guns, firearms, prohibited firearm parts, or ammunition).
b. I have turned in all prohibited items that I have or control to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (*check all that apply*):
 is attached has already been filed with the court.
c. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (*explain*): _____

This is not a Court Order.



14 Cannot Look for Protected People (see 14 on form JV-245)

- a. I agree to the order.
- b. I do not agree to the order.

Explain why you disagree, or describe a different order that you would agree to: _____

15 **Additional Reasons I Do Not Agree with the Request** (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper, and write “JV-247, Additional Reasons I Do Not Agree” at the top.

16 Additional Pages

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

17 Your signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

18 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name

▶ _____
Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

Instruction: The person asking for a restraining order must complete items ①, ②, and ③ only. The court will complete the rest of this form.

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JV-250.v8.03.30.22

① **Protected Person (name):** _____

② **Restrained Person**

*Full Name: _____

*Gender: M F Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

Type, number, and location of firearms or ammunition:

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

③ **Other Protected People**

In addition to the person named in ①, the people listed below are protected by the orders listed in ⑨ through ⑮.

<u>Full name</u>	<u>Age</u>	<u>Relationship to child</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(The court will complete the rest of this form.)

④ **Notice of Hearing Date (Court Date)**

The judge scheduled a court date to review a request for restraining orders against the person in ②. Any temporary orders granted on this form end on the court date listed below.



Date: _____ Dept.: _____ Name and address of court, if different from above: _____

Time: _____ Room: _____ _____

This is a Court Order.

5 The temporary orders you requested are:

- a. **Not granted.** The court denies the request for a temporary restraining order but will consider the request for restraining order at the court date listed in **4**. (*Explain reason for denial*):

- b. **Granted.** The court grants a temporary restraining order as checked below and through page 5. This does not always mean that every order that was requested was granted.

This order must be enforced throughout the United States. See page 6.

To the Person in 2

The judge has granted temporary orders. See items **6** through **15**. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

6 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
 - Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in or sold. (You may use [form DV-800/JV-270](#), *Proof of Surrender of firearms, firearm parts or ammunition*, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.

7 Restrained Person Has Prohibited Items

The court finds that you have the following:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

This is a Court Order.

7 b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

8 Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance

In addition to the hearing listed in item 4, you must attend the court hearing listed below to prove that all prohibited items that you have or own were turned in, sold, or stored. If the judge listed any items in 7 of this order, this means that the judge has found that you have those items. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify the prosecuting attorney of the violation.

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



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

9 Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.

If checked, this order was **not granted** because the judge found good cause not to make the order.

10 Order to Not Abuse Not requested Denied until the hearing Granted as follows:

You must not do the following things to the person in 1 and any person listed in 3:

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.

(If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.)

"Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

This is a Court Order.



15 Protect Animals Not requested Denied until the hearing Granted as follows:

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

16 Service

- a. No other service is needed. The person in ② attended the hearing on (date): _____ when these orders were made.
- b. The person in ② must be personally served with a copy of this order and request form by (date): _____

17 Enter Restraining Order Into Database

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.
If the court designates someone, provide their name: _____

18 Attached pages

Number of pages attached to this five-page form: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

Certificate of Compliance With Violence Against Women Act for Temporary Orders

This temporary protective order meets all full faith and credit requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in all jurisdictions throughout the 50 United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2; Family Code sections 6383(h)(2), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(The clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that the foregoing *Notice of Court Date and Temporary Juvenile Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Instructions: Use this form to ask the judge to reschedule your restraining order court date listed on:

- ▶ Form JV-250, *Notice of Court Hearing and Temporary Restraining Order*, or
- ▶ Form JV-260, *Court Hearing and Temporary Restraining Order Against a Child*.

If you have a lawyer in this case, your lawyer should fill out this form.

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Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Fill in case number:

Case Number:

1 My Information

a. My name is: _____

b. I am the:

(1) **Protected party** (*skip to 2*).

(2) **Restrained party** (*give your contact information below*).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address, if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: _____

City: _____ State: _____ Zip: _____

My contact information (*optional*):

Telephone: _____ Fax: _____

Email Address: _____

Lawyer's information (*skip if you do not have one*):

Name: _____ State Bar No.: _____

Firm Name: _____

2 Information About My Case

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

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

This is not a Court Order.

3 Is a Temporary Restraining Order in Effect?

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

Notice: If your court date is rescheduled, any temporary restraining order will remain in effect until the end of the new court date, unless otherwise ordered by the court.

4 Why Does Your Court Date Need to Be Rescheduled?

- a. I am the person asking for protection, and I need more time to have the restrained party personally served.
- b. I am the restrained party, and this is my first request to reschedule the court date.
- c. Other reason:

5 Your signature

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

Date: _____

Type or print your name

Sign your name

6 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name

Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

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Complete items ① and ② only.

① **Protected Party:** _____

② **Restrained Party:** _____

(The court will complete the rest of this form)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Fill in case number:

Case Number:

③ Next Court Date

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

Your court date is: _____

(1) Any temporary restraining order already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because: _____

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

Name and address of court, if different from above:

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

④ Temporary Restraining Order

a. **There is no temporary restraining order (TRO) in this case until the next court date** because:

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

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

b. **A temporary restraining order (TRO) is in full force and effect** because:

(1) The court extends the TRO previously granted on *(date)*: _____
It now expires on *(date)*: _____

(If no expiration date is listed, the TRO expires at the end of the court date listed in ③ b).

(2) The court changes the TRO previously granted and signs a new TRO. The new TRO is attached to this order.

c. **Other (specify):** _____

Warning and Notice to the Restrained Party:

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

This is a Court Order.



5 Reason Court Date Is Rescheduled

a. There is good cause to reschedule the court date (check one):

(1) The protected party has not served the restrained party.

(2) Other: _____

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

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

6 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. Protected party

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

(2) You must have the restrained party personally served with a copy of this order, the request for restraining order, and any temporary restraining order granted, by (date): _____

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

(4) Other: _____

b. Restrained party

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

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

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

(4) Other: _____

c. Court

(1) Further notice is not required.

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

(3) Other: _____

This is a Court Order.



7 Enter Restraining Order into Database

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.

If the court designates someone, provide their name: _____

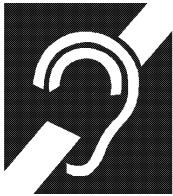
8 Other Orders

9 Attached pages (All of the attached pages are part of this order.)

- a. Number of pages attached to this three-page form: _____
- b. Attachments include forms (check all that apply):
- JV-250 JV-260 JV-272 Other: _____

Judge's Signature

Date: _____

Judge or Judicial Officer**Request for Accommodations**

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

Instructions to Clerk

If the hearing is rescheduled and the court extended, modified, or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done by the court within one business day from the day the order is made, unless the court has designated someone in item 7b.

—Clerk's Certificate—

Clerk's Certificate

[seal]

I certify that this *Order on Request to Reschedule Hearing (Temporary Restraining Order-Juvenile) (CLETS-JUV)* (form JV-253) is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Original Order Amended Order

DRAFT
Not approved by
the Judicial Council
JV-255.v9.3.28.22

① Protected Person (name): _____

② Restrained Person

*Full Name: _____

*Gender: M F Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

③ Other Protected People

In addition to the person in ①, the following persons are protected by orders as indicated in items ⑪ through ⑭.

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

④ Expiration Date

This restraining order, except the orders noted below,* end on:

(date): _____ at (time): _____ a.m. p.m. or midnight

***Custody and visitation orders remain in effect after the restraining order ends. Custody and visitation orders usually end when the child is 18.**

- If no date is written, the restraining order ends three years after the date of the hearing in item ⑤ a.
- If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 4.

This is a Court Order.



5 Hearing

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____
- c. The people in ① and ② must return to court on (date): _____ in Department: _____
at (time): _____ a.m. p.m. to review (list issues): _____

6 Future Court Hearing

- The person in ① The person in ② must attend court on:
- Date: _____ Department: _____
- Time: _____ a.m. p.m. to review (list issues): _____

To the Person in ②

The court has granted a long-term restraining order. See ⑦ through ⑰. If you do not obey these orders, you can be charged with a crime, go to jail or prison, and/or pay a fine. It is a felony to take or hide a child in violation of this order.

7 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
- Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court that proves all prohibited items have been turned in or sold. (You may use [form DV-800/JV-270](#), *Proof of Surrender of firearms, firearm parts or ammunition*, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.
- f. Limited Exemption: The judge has made the necessary findings to grant an exemption under Family Code section 6389(h). Under California law, the person in ② is not required to relinquish this firearm (make, model, and serial number of firearm): _____
but must only have it during scheduled work hours and to and from their place of work. Even if exempt under California law, the person in ② may be subject to federal prosecution for possessing or controlling a firearm.

This is a Court Order.



8 **Restrained Person Has Prohibited Items**

The court finds that you have the following:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

9 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. Restrained person has not fully complied with the orders previously granted on *(date)*: _____

The court has not received a receipt or proof of compliance for all the items listed in **8**.

b. Notify Prosecutor

If you do not provide a receipt or proof of compliance within two days of today's hearing, by: *(date and time)*: _____ the court will notify the

(name of prosecuting agency): _____

10 **Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in **6** to prove that all prohibited items have been properly turned in, sold, or stored.

11 **Cannot Look for Protected People and Others**

You must not take any action to look for any person protected by this order, including their addresses or locations.

If checked, this order was not granted because the court found good cause not to make this order.

12 **Order to Not Abuse**

You must not do the following things to the person in **1 and any person listed in **3**:**

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace.

This is a Court Order.



12 (If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.) "Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

13 **No-Contact Order**

a. You must **not contact** the person in **1**, the persons in **3**, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.

b. Exception to 13a:

(1) You may have brief and peaceful contact with the person in **1** to only communicate about your children for court-ordered visits.

(2) You may have contact with your children only during court-ordered contact or visits.

(3) Other (explain): _____

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

14 **Stay-Away Order**

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

<input type="checkbox"/> The person in 1 .	<input type="checkbox"/> School of person in 1 .
<input type="checkbox"/> Home of person in 1 .	<input type="checkbox"/> Persons in 3 .
<input type="checkbox"/> Job or workplace of person in 1 .	<input type="checkbox"/> Children's school or child care.
<input type="checkbox"/> Vehicle of person in 1 .	<input type="checkbox"/> Other (specify): _____

b. Exception to 14a: _____

The stay-away orders do not apply:

(1) For you to exchange your children for court-ordered visits. You must do so briefly and peacefully.

(2) For you to visit with your children for court-ordered contact or visits.

(3) Other (explain): _____

15 **Order to Move-Out**

You must move out immediately from (address): _____

16 **Visitation with Children**

The judge has ordered visitation with the children in this case. They are on the attached form JV-205, *Visitation (Parenting Time) Order—Juvenile*

Or (specify other form): _____

This is a Court Order.



17 **Protect Animals**

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____

18 **Service**

- a. **No other proof of service is needed.** The person in ② attended the hearing on (date): _____.
- b. **The person in ② did not attend the hearing.** Proof of service of the request and notice of hearing was presented to the court. (Check all that apply):
 - (1) This order can be served by mail. The judge’s orders in this form are the same as the orders in form JV-251 except for the expiration date. The person in ② must be served (given), either by mail or in person.
 - (2) This order must be personally served. The judge’s orders in this form are different from the orders in form JV-251. The person in ② must be personally served (given) a copy of this order.
 - (3) The court has scheduled a firearms and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
 - (A) Personal service by (date): _____
 - (B) Mail at the person in ②'s last known address by (date): _____

19 **Enter Restraining Order Into Database**

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.

If the court designates someone, provide their name: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

Certificate of Compliance With Violence Against Women Act

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in item ⑤(a) on page 2; or
- The date next to the judge’s signature on this page.

The orders *end* on the expiration date in item ④ on page 1. If no date is listed, they end three years from the hearing date.

Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code sections 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code Sections 166 or 273.6.

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Penal Code section 836(c)(1); Family Code section 6383.)

Consider the restrained person “served” (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; or
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Family Code section 6383; Penal Code section 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Family Code section 6381(b)–(c).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2; Family Code sections 6383(h)(2), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(The clerk will fill out this part.)

Clerk’s Certificate
[seal]

—Clerk’s Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

**DRAFT
Not approved by
the Judicial Council
JV-258.v13.3.29.22**

When to use this form

Use this form if you want a restraining order **against a child or youth** in a juvenile justice (delinquency) case. If you have a lawyer in this case, the lawyer should fill out this form. If you want a restraining order in a juvenile case but against someone who is not the child, use form JV-245, *Request for Juvenile Restraining Order*.

1 Person in Need of Protection

a. **Name:** _____

If you are lawyer asking for a restraining order for someone else, like a victim in this case, write your name below in ①e. If additional people need to be protected, list them in ④.)

b. **Age:** _____

c. **Ⓜ Address where you can receive mail**

(This address will be used by the court and by the person in ② to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person’s address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: _____

City: _____ State: _____ Zip: _____

d. **Contact Information**

(If you have a lawyer, list your lawyer's information. If you don't have a lawyer, you may provide your information but doing so is optional.)

Telephone: _____ Email Address: _____ Fax: _____

e. **Lawyer Making This Request** (if not the person in ①)

Name: _____ Title: _____

Firm Name: _____ State Bar No.: _____

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

2 Child or youth to be restrained

a. **Name:** _____

b. **Date of birth** (if known): _____ **Age** (give estimate if you do not know exact age): _____

c. **Gender:** Male Female Nonbinary

d. **Relationship to person in ① a:** _____

This is not a Court Order.



5 Did you provide notice to the person in 2 of this request for a restraining order?
(Skip this item if your request is based on domestic violence.)

a. No (If no, complete the section below.)

(1) I did not notify the person in 2 or their attorney because I am afraid that the person in 2 will threaten or harm the person in 1 a if they receive notice of this request before protection can be granted (explain):

(2) Other (describe):

b. Yes (If yes, complete section below.)

(1) Who did you notify? Person in 2 Lawyer of Person in 2

(2) When did you provide notice? (date): _____ (time): _____ a.m. p.m.

(3) How did you provide notice? (check all that apply)

Telephone (list number): _____

Fax (list number): _____

Email or other electronic means (specify): _____

Other (describe): _____

6 Does Person in 2 Have Firearms (Guns), Firearm Parts, or Ammunition?

a. I don't know

b. No

c. Yes (If you have information, complete the section below.)

	Describe guns, firearms, firearm parts, or ammunition	How many or amount?	Location, if known
(1)	_____	_____	_____
(2)	_____	_____	_____
(3)	_____	_____	_____
(4)	_____	_____	_____
(5)	_____	_____	_____
(6)	_____	_____	_____

This is not a Court Order.



Choose the Orders That You Want a Judge to Make

In this section, you will choose the orders you want a judge to make now. Every situation is different. Check all the orders that you want the judge to make (order).

7 **Order to Not Abuse**

I ask the judge to order the person in **2** to not threaten, stalk, or disturb the peace of anyone listed **1** or **4**. If this restraining order is needed to prevent domestic violence, "disturbing the peace" includes, but is not limited to:

- Destroying your mental or emotional well-being. This can be done directly or indirectly, such as through someone else. This can also be done in any way, including by phone, text, or online.
- Isolating you from friends, relatives, or other support; keeping you from food or basic needs; controlling or keeping track of you, including your movements, contacts, actions, money, or access to services; controlling or interfering with someone's contraception, birth control, pregnancy, or access to related health information; using force, threat, or intimidation to pressure someone to be or not be pregnant; and making you do something by force, threat, or intimidation, including threats related to actual or suspected immigration status.

8 **No-Contact Order**

I ask that the person in **2** not contact me or any person listed in **4**.

9 **Protect Animals**

a. (You may ask the court to protect your animals, your children's animals, or the person in **2**'s animals.)

	Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1)	_____	_____	_____	_____
(2)	_____	_____	_____	_____
(3)	_____	_____	_____	_____
(4)	_____	_____	_____	_____

b. I ask the judge to protect the animals listed above by ordering the person in **2** to:

Check all that apply

- (1) Stay away from the animals by at least:
 100 yards (300 feet) Other (give distance in yards): _____
- (2) **Not** take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- (3) Give me sole possession, care, and control of the animals because (check all that apply):
 Person in **2** abuses the animals. I take care of these animals.
 I purchased these animals. Other (please explain): _____

This is not a Court Order.



Automatic Orders That a Judge Can Make Right Away

10 No Guns, Other Firearms, Firearm Parts, or Ammunition

If the judge grants you a restraining order, the person in ② must turn in, sell, or store any guns, other firearms, firearm parts, or ammunition that they have or control. The person in ② would also be prohibited from buying firearms and ammunition.

11 Cannot Look for Address or Location of Protected People and Others

If the judge grants a restraining order, the person in ② will not be allowed to look for the address or location of any person protected by the restraining. The person in ② will also not be allowed to look for the locations of family members, caretakers, or guardians of the person in ①. The court may not grant this order, if there is good cause.

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

13 Your signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

14 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name

▶ _____
Lawyer's signature

Your Next Steps

1 You must complete two additional forms:

- [Form JV-260](#), *Court Hearing and Temporary Restraining Order Against a Child (only items 1, 2, and 3)*
- [Form CLETS-001](#), *Confidential CLETS Information*

2 Turn in your completed forms to the court. Find out when your forms will be ready for pick up.

This is not a Court Order.

*Clerk stamps date here when form is filed.***Draft- Not approved by
Judicial Council-3.28.22**

Use this form if someone has asked for a restraining order against you, and you want to respond in writing. If you have a lawyer in this case, the lawyer should fill out this form. You will need a copy of form JV-258, *Request for Juvenile Restraining Order Against a Child*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

1 Name of Person Asking for Protection:*(See form JV-258, item 1):*

2 Your Name:**! Address where you can receive court papers**

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, work with them to fill out this form and give their information.)

Address: _____

City: _____ State: _____ Zip: _____

! Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Email Address: _____ Telephone: _____ Fax: _____

Your lawyer's information (if you have one)

Name: _____ State Bar No.: _____

Firm Name: _____

3 Your Hearing Date (Court Date)

Your hearing date is listed on form JV-260, *Court Hearing and Temporary Restraining Order Against a Child*. If you do not agree to having a restraining order against you, go to your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to three years.

*Fill in court name and street address:***Superior Court of California, County of***Fill in child's name***Child's name:***Fill in case number:***Case Number:****This is not a Court Order.**

How to complete this form: To answer the questions below, look at the form JV-258 filled out by the person in ①. Tip: When the restraining order forms say "the person in ②" that means you, and the "person in ①" means the person who is asking for a restraining order against you.

4 Information About You (see ② on form JV-258)

The person in ① listed your name, age, gender, and date of birth. If any of the information is incorrect, use the space below to give the correct information.

5 **Other Protected People**

If the judge grants a restraining order, it can include other people. See ④ on form JV-258 to see if the person in ① is asking for other people to be protected by the restraining order.

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

6 **Order to Not Abuse** (see ⑦ on form JV-258)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

7 **No-Contact Order** (see ⑧ on form JV-258)

- a. I agree to the order requested.
b. I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: _____

8 **Protect Animals** (see ⑨ on form JV-258)

- a. I agree to the orders requested.
b. I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: _____

This is not a Court Order.



9 Guns, Other Firearms, Firearm Parts, or Ammunition (see 6 on form JV-258)

If you were served with form JV-260, *Court Hearing and Temporary Juvenile Restraining Order Against a Child* you must follow the orders in 6 on form JV-260. You must file a receipt with the court from a law enforcement agency or a licensed gun dealer within 48 hours after you received form JV-260. You may use [form DV-800/JV-270, Proof of Surrender of Firearms, Firearm Parts and Ammunition](#), for the receipt.

Check all that apply

- a. I do not own or have any prohibited items (guns, firearms, prohibited firearm parts, or ammunition).
- b. I have turned in all prohibited items that I have or control to law enforcement or sold/stored them with a licensed gun dealer. A copy of the receipt showing that I turned in, sold, or stored the prohibited items (check all that apply):
 - is attached has already been filed with the court.
- c. I ask for an exemption from the firearms prohibition under Family Code section 6389(h) because (explain): _____

10 Cannot Look for Protected People (see 11 on form JV-258)

- a. I agree to the order.
- b. I do not agree to the order.
 Explain why you disagree, or describe a different order that you would agree to: _____

11 Additional Reasons I Do Not Agree with the Request (optional)

Explain why you do not agree to any of the orders requested by the person in 1 (give specific facts and reasons):

Check here if you need more space. Attach a sheet of paper, and write “JV-259, Additional Reasons I Do Not Agree” at the top.

12 Additional Pages

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

This is not a Court Order.



13 Your signature

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

Date: _____

Type or print your name



Sign your name

14 Your lawyer's signature (if you have one)

Date: _____

Lawyer's name



Lawyer's signature

This is not a Court Order.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
JV-260.v12.3.25.22

Instruction: Use this form if you want a restraining order **against a child or youth** in a juvenile justice (delinquency) case. The person asking for a restraining order must complete ①, ②, and ③ only. The court will complete the rest of this form.

① **Protected Person (name):** _____

② **Restrained Person (Child or Youth)**

*Full Name: _____

*Gender: M F Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

Type, number, and location of firearms or ammunition:

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

③ **Other Protected People**

In addition to the person named in ①, the people listed below are protected by the orders listed in ⑨ through ⑫.

<u>Full name</u>	<u>Age</u>	<u>Relationship to child</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(The court will complete the rest of this form.)

④ **Notice of Hearing**

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

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

This is a Court Order.



5 The temporary restraining orders requested are:

- a. **Not granted.** The court denies the request for a temporary restraining order but will consider the request for restraining order at the court date listed in ④. *(Explain reasons for denial):*

- b. **Granted.** The court grants a temporary restraining order as checked below and through page 3. This does not always mean that every order that was requested was granted.

This order must be enforced throughout the United States. See page 5.

To the Person in ②

The judge has granted temporary orders. See items ⑥ through ⑫. If you do not obey these orders, you can be charged with a crime, go to juvenile hall, jail, or prison, and/or pay a fine.

6 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
 - Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court to prove that all prohibited items have been turned in or sold. (You may use [form DV-800/JV-270](#), *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.

7 Restrained Person Has Prohibited Items

The court finds that you have the following firearms, firearm parts, or ammunition:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

This is a Court Order.



7 b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

Check here if you need more space to list items. List them on a separate piece of paper, write "JV-260, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

8 Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance

In addition to the hearing listed in item (4), you must attend the court hearing listed below to prove that all prohibited items that you have or own were turned in, sold, or stored. If the judge listed any items in (7) of this order, this means that the judge has found that you have those items. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and will notify law enforcement and a prosecuting attorney of the violation.

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



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

9 Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.

If checked, this order was **not granted** because the judge found good cause not to make the order.

10 Order to Not Abuse Not requested Denied until the hearing Granted as follows:

You must not threaten, stalk or disturb the peace of the person in (1) and any person listed in (3).

(If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.)

"Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

This is a Court Order.



11 No-Contact Order Not requested Denied until the hearing Granted as follows:

- a. You must **not contact** the person in ① the persons in ③ directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

12 Protect Animals Not requested Denied until the hearing Granted as follows:

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____

13 Service

- a. **No other service is needed.** The person in ② attended the hearing on (date): _____ when these orders were made.
- b. **The person in ② must be personally served** with a copy of this order and request form by (date): _____

14 Enter Restraining Order Into Database

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.

If the court designates someone, provide their name: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

Certificate of Compliance With Violence Against Woman Act for Temporary Orders

This temporary protective order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdictions throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

This is a Court Order.



Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required if Order Is Violated

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2; Family Code sections 6383(h)(2), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

I certify that this *Court Date and Temporary Restraining Order Against a Child (Juvenile)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

Original Order Amended Order

DRAFT
Not approved by
the Judicial Council
JV-265.v10.3.28.22

① Protected Person (name): _____

② Restrained Person (Child or Youth)

*Full Name: _____

*Gender: M F Nonbinary

*Age: _____ (Give estimate, if age unknown.)

Date of Birth: _____ Height: _____ Weight: _____

Hair Color: _____ Eye Color: _____

*Race: _____

Relationship to person in ①: _____

Address of restrained person: _____

City: _____ State: _____ Zip: _____

(Information that has a star (*) next to it is required to add this order into a California police database. Give all the information you know.)

Fill in court name and street address:

Superior Court of California, County of

Fill in child's name

Child's name:

Court fills in case number when form is filed.

Case Number:

③ Other Protected People

In addition to the person in ①, the following persons are protected by orders as indicated in items ⑦ through ⑩.

<u>Full name</u>	<u>Relationship to person in ①</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

④ Expiration Date

This restraining order, except the orders noted below,* end on:

(date): _____ at (time): _____ a.m. p.m. or midnight

- If no date is written, the restraining order ends three years after the date of the hearing in item ⑤ a.
- If no time is written, the restraining order ends at midnight on the expiration date.

This order must be enforced throughout the United States. See page 4.

This is a Court Order.

5 Hearing

- a. The hearing was on (date): _____ with (name of judicial officer): _____
- b. These people were at the hearing (check all that apply):
- The person in ① The lawyer for the person in ① (name): _____
- The person in ② The lawyer for the person in ② (name): _____
- c. The people in ① and ② must return to court on (date): _____ in Department: _____
 at (time): _____ a.m. p.m. to review (list issues): _____

6 Future Court Hearing



- The person in ① The person in ② must attend court on:
- Date: _____ Department: _____
- Time: _____ a.m. p.m. to review (list issues): _____
- _____

To the Person in ②

The court has granted a long-term restraining order. See ⑦ through ⑭. If you do not obey these orders, you can be charged with a crime, go to juvenile hall, jail, or prison, and/or pay a fine.

7 No Guns, Other Firearms, Firearm Parts, or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited item listed below in b.
- b. Prohibited items are:
- Firearms, including any handgun, rifle, shotgun, and assault weapon;
 - Firearm parts (receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531); and
 - Ammunition.
- c. Within 24 hours of receiving this order, you must sell to or store with a licensed gun dealer, or turn in to law enforcement, any prohibited items you have in your immediate possession or control.
- d. Within 48 hours of receiving this order, you must file a receipt with the court to prove that all prohibited items have been turned in or sold. (You may use [form DV-800/JV-270](#), *Proof of Surrender of Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- e. If a law enforcement officer served you with the restraining order, you must immediately surrender any prohibited items you have upon request by the officer. Within 48 hours, you must file a receipt with the law enforcement agency that proves all prohibited items have been turned in or sold.

This is a Court Order.



8 **Restrained Person Has Prohibited Items**

The court finds that you have the following firearms, firearm parts, or ammunition:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>

Check here if you need more space to list items. List them on a separate piece of paper, write "JV-265, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

9 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. Restrained person has not fully complied with the orders previously granted on *(date)*: _____
The court has not received a receipt or proof of compliance for all the items listed in **8**.

b. Notify Prosecutor

If you do not provide a receipt or proof of compliance within two days of today's hearing, by:
(date and time): _____ the court will notify the
(name of prosecuting agency): _____

10 **Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance**

You must attend the court hearing in **6** to prove that all prohibited items have been properly turned in, sold, or stored.

This is a Court Order.



11 Cannot Look for Protected People

You must not take any action to look for any person protected by this order, including their addresses or locations.
 If checked, this order was not granted because the court found good cause not to make this order.

12 Order to Not Abuse

You must not threaten, stalk or disturb the peace of the person in ① and any person listed in ③.

(If this box is checked, this case involves domestic violence and you must not do any of the actions listed below.)

"Disturb the peace" means to destroy someone's mental or emotional calm. This can be done directly or indirectly, such as through someone else. This can also be done in any way, such as by phone, over text, or online. Disturbing the peace includes coercive control. "Coercive control" means a number of acts that unreasonably limit the free will and individual rights of any person protected by this restraining order. Examples include isolating them from friends, relatives, or other support; keeping them from food or basic needs; controlling or keeping track of them, including their movements, contacts, actions, money, or access to services; making them do something by force, threat, or intimidation, including threats based on actual or suspected immigration status; and reproductive coercion, meaning controlling someone's reproductive choices, such as using force, threat, or intimidation to pressure someone to be or not be pregnant, and to control or interfere with someone's contraception, birth control, pregnancy, or access to related health information.

13 No-Contact Order

- a. You must **not contact** the person in ①, the persons in ③, directly or indirectly, by any means, including by telephone, mail, email, or other electronic means.
- b. Peaceful written contact through a lawyer or process server or another person for service of legal papers related to a court case is allowed and does not violate this order.

14 Protect Animals

- a. You must stay at least _____ yards away from the animals listed below.
- b. You must not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- c. The person in ① is given the sole possession, care, and control of the animals listed below.

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

This is a Court Order.



15 Service

- a. **No other proof of service is needed.** The person in ② attended the hearing on (date): _____ .
- b. **The person in ② did not attend the hearing.** Proof of service of the request and notice of hearing was presented to the court. (Check all that apply):
 - (1) This order can be served by mail. The judge’s orders in this form are the same as the orders in form JV-251 except for the expiration date. The person in ② must be served (given), either by mail or in person.
 - (2) This order must be personally served. The judge’s orders in this form are different from the orders in form JV-251. The person in ② must be personally served (given) a copy of this order.
 - (3) The court has scheduled a firearms and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
 - (A) Personal service by (date): _____
 - (B) Mail at the person in ② 's last known address by (date): _____

16 Enter Restraining Order Into Database

Within one business day, this order must be entered into the California Law Enforcement Telecommunications System (CLETS).

- a. The court will enter the order into CLETS.
- b. The court or someone it designates will send a copy of this order to a local law enforcement agency.

If the court designates someone, provide their name: _____

Judge's Signature

Date: _____

Judge or Judicial Officer

Certificate of Compliance With Violence Against Women Act

This restraining (protective) order meets all “full faith and credit” requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994), upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

Instructions for Law Enforcement

Start Date and End Date of Orders

The orders *start* on the earlier of the following dates:

- The hearing date in item ⑤(a) on page 2; or
- The date next to the judge’s signature on this page.

The orders *end* on the expiration date in item ④ on page 1. If no date is listed, they end three years from the hearing date.

This is a Court Order.



Arrest Required if Order Is Violated

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

Notice/Proof of Service

Law enforcement must first determine if the restrained person had notice of the orders. If notice cannot be verified, the restrained person must be advised of the terms of the orders. If the restrained person then fails to obey the orders, the officer must enforce them. (Penal Code sections 836(c)(1); Family Code section 6383.)

Consider the restrained person “served” (notified) if:

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer. (Family Code section 6383; Penal Code section 836(c)(2).) An officer can obtain information about the contents of the order in the California Restraining and Protective Order System (CARPOS). (Family Code section 6381(b)–(c).)

Conflicting Orders—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Penal Code section 136.2; Family Code sections 6383(h)(2), 6405(b)):

1. **EPO:** If one of the orders is an *Emergency Protective Order* (form EPO-001) and it is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. **No-Contact Order:** If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence in enforcement over any other restraining or protective order.
3. **Criminal Order:** If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. **Family, Juvenile, or Civil Order:** If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

(The clerk will fill out this part.)

Clerk's Certificate
[seal]

—Clerk's Certificate—

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Clerk stamps date here when form is filed.

DRAFT
Not approved by
the Judicial Council
JV-268.3.28.22

Fill in court name and street address:

Superior Court of California, County of

Court clerk fills in case number when form is filed.

Case Number:

1 Name of Party Asking for Protection: _____**2** Name of Party to Be Restrained: _____**3** Notice to Server

You must:

- Be 18 years of age or older.
- Not be listed in items **1**, or **3** of form JV-245, *Request for Juvenile Restraining Order* or JV-258, *Request for Juvenile Restraining Order Against a Child*.
- Give a copy of all documents checked in **4** to the restrained party in **2** (you cannot send them by mail). Then complete and sign this form, and give it to the party in **1**.

4 I gave the party in **2** a copy of all the documents checked:

- a. JV-245, *Request for Juvenile Restraining Order*
- b. JV-258, *Request for Juvenile Restraining Order Against a Child*
- c. JV-250, *Notice of Court Hearing and Temporary Restraining Order*
- d. JV-260, *Court Hearing and Temporary Restraining Order Against a Child*
- e. Blank form JV-247, *Response to Request for Juvenile Restraining Order*
- f. Blank form JV-259, *Response to Request for Juvenile Restraining Order Against a Child*
- g. JV-251, *Request to Reschedule Restraining Order Hearing*
- h. JV-253, *Order on Request to Reschedule Hearing*
- i. JV-255, *Restraining Order After Hearing*
- j. JV-265, *Restraining Order After Hearing—Against a Child*
- k. Other (*specify*): _____

5 I personally gave copies of the documents checked above to the party in **2** on:a. Date: _____ b. Time: _____ a.m. p.m.c. At this address: _____
City: _____ State: _____ Zip: _____**6** Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

*Type or print server's name*_____
Server to sign here

Case Number: _____

This form is attached to (check one): JV-250 JV-254 JV-260 Other: _____

Draft- 3.30.22
Not approved
by Judicial Council

1 Restrained Person Has Prohibited Items

The court finds that you have firearms, firearm parts, or ammunition:

- Listed on form JV-250, *Notice of Court Hearing and Temporary Restraining Order*
- Listed on form JV-260, *Court Hearing and Temporary Restraining Order Against a Child*
- Listed below:

a. Firearms and/or firearm parts

Description	Location, if known	Check here if proof of compliance was received
(1) _____	_____	<input type="checkbox"/>
(2) _____	_____	<input type="checkbox"/>
(3) _____	_____	<input type="checkbox"/>
(4) _____	_____	<input type="checkbox"/>
(5) _____	_____	<input type="checkbox"/>
(6) _____	_____	<input type="checkbox"/>

b. Ammunition

Description	Amount, if known	Location, if known	Check here if proof of compliance was received
(1) _____	_____	_____	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>
(5) _____	_____	_____	<input type="checkbox"/>
(6) _____	_____	_____	<input type="checkbox"/>

Check here if you need more space to list items. List them on a separate piece of paper, write "JV-272, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

2 Court Hearing to Review Firearms, Firearm Parts, and Ammunition Compliance

You must attend the court hearing listed below to prove that all prohibited items that you have or own were turned in, sold, or stored. If the judge listed any items in ① of this order, this means that the judge has found that you have those items. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and will notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on the front of this order



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

This is a Court Order.



3 **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on *(date)*: _____
The court has not received a receipt or proof of compliance for all the items listed in **1**.

b. Notify Prosecutor

If you do not provide a receipt or proof of compliance within two days of today's hearing, by:
(date and time): _____, the court will notify the
(name of prosecuting agency): _____.

This is a Court Order.

Clerk stamps date here when form is filed.

**Draft-3.21.22
Not approved by
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:

This notice is provided to the agency or agencies listed below, as required by the Family Code.

1 Protected Party

Name: _____

2 Restrained Party

Name: _____

3 Restrained Party Has Not Complied with Surrendering Firearms, Firearm Parts, and Ammunition

The court has found that the person listed in **2** has guns, firearms, firearm parts, or ammunition in violation of a restraining order. The restraining order granted by the court is attached to this form.

Notice is given to the prosecuting agency (*name of agency*): _____ provided under Family Code section 6389(c)(4).

4 Outstanding Warrant(s)

The court has found that the person listed in **2** has one or more outstanding warrants. The restraining order granted by the court is attached to this form. Notice of the warrant is provided to the agency listed below, as required by Welfare and Institutions Code section 213.5(k) and Family Code section 6306(e). The agency must take all actions necessary to execute the warrant(s).

Notice to Law Enforcement Agency (*name of agency*): _____

5 Additional Information

The court has conducted a background search pursuant to Welfare and Institutions Code section 213.5(k) and Family Code section 6306. In addition to the information provided above, the court is attaching the following information found in the background search.

(*briefly describe information*): _____

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

Judge's Signature

Date: _____

Judge or Judicial Officer



—Clerk's Certificate—

I certify that I am not a party to this case and that a true copy of the *Notice of Non-Compliance with Firearms, Ammunition, or Warrant* (form JV-274), was sent to the agency or agencies listed on page 1:

[seal]

a. **Prosecuting agency listed in 3b**

(1) by fax, email, or other electronic means by mail

(2) (number, email address, or address): _____

(3) Date of transmission or mailing: _____

(4) Transmitted or mailed from the courthouse listed on page 1.

b. **Law enforcement agency listed in 4.**

(1) by fax, email, or other electronic means by mail

(2) (number, email address, or address): _____

(3) Date of transmission or mailing: _____

(4) Transmitted or mailed from the courthouse listed on page 1.

Date: _____ Clerk, by _____, Deputy