



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER
www.occourts.org**

**MODIFICATION OF A
CIVIL RESTRAINING ORDER**

**All documents must be typed or printed neatly.
Please use black ink.**

Self-Help Center Locations:

Lamoreaux Justice Center
1st Floor
341 The City Drive
Orange, CA
☞ ☞

Central Justice Center
Room G-100
700 Civic Center Drive
Santa Ana, CA
☞ ☞

Superior Court
Service Center
27573 Puerta Real
Mission Viejo, CA

Harbor Justice Center
Room 150
4601 Jamboree Rd
Newport Beach, CA

North Justice Center
Room 360
1275 N. Berkeley Ave.
Fullerton, CA



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13th Street, Westminster, CA 92683-4593	
PETITIONER: RESPONDENT:	
NOTICE OF MOTION AND MOTION FOR ORDER <input type="checkbox"/> TO MODIFY ORDER <input type="checkbox"/> TO TERMINATE RESTRAINING ORDER/INJUNCTION Civil Harassment, Workplace Violence, Transitional Housing, Private Postsecondary School Violence	CASE NUMBER: _____

NOT TO BE USED FOR DOMESTIC VIOLENCE

Date of Hearing: _____

Time: _____

Dept.: _____

- I request that the court make an order to modify the Restraining Order/Injunction Prohibiting Harassment. Amended order attached.
- I request that the court make an order to terminate the Restraining Order/Injunction Prohibiting Harassment. An order to Terminate Restraining Order/Injunction Prohibiting Harassment is attached.

DECLARATION

I am the petitioner respondent in this action.

I am asking the court to modify the Restraining Order/ Injunction Prohibiting Harassment as follows:

I have revised and attached:

- Form CH-130 - *Civil Harassment Restraining Order after Hearing*
- Form WV-130 - *Workplace Violence Restraining Order after Hearing*
- Form TH-130 - *Order after Hearing (Transitional Housing Misconduct)*
- Form SV-130 - *Private Postsecondary School Violence Restraining Order After Hearing*

in accordance to the instructions provided on page 2 of this form. I realize that I will need to serve a copy of any corrected order to the agencies that I listed on my original order.

I am asking the court to terminate the Restraining Order to Stop Harassment for the following reason(s):

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

INSTRUCTIONS FOR FILING AND SERVING THIS NOTICE OF MOTION

-NOT TO BE USED FOR DOMESTIC VIOLENCE-

The following information is intended only as a guideline to assist you in making your motion to the court. Delivery or mailing of the motion to the other side is called 'service' of the motion. This form does not take the place of reading the required code sections or rules of court. You are still expected to know the law that applies to your motion. It is recommended that you seek the advice of an attorney.

1. **How is notice given?**

Code of Civil Procedure (CCP) section 1005(b) states that the motion must be personally delivered to each opposing side at least 16 court days before the hearing on the motion, OR mailed to each opposing side at least 16 court days plus 5 calendar days before the hearing on the motion. Service is extended if served outside California or the United States. The motion must be filed with the court at least 16 court days before the hearing.

Service can only be done by an adult 18 years or older who is NOT a party to the case. The person serving the document must complete and sign the proof of service form located below.

2. **How do I obtain the correct department, date and time for the hearing?**

You can find the information on the court's website at www.occourts.org or contact the clerk at the Justice Center where your case is filed. make sure you choose a date that is within the time frame of CCP 1005.

3. **Is there a filing fee for the Motion?**

Yes, check the current Court fee schedule. If you cannot afford the filing fee, you may qualify for a waiver of court fees and costs.

4. **How do I obtain an Order?**

You must have your proposed order prepared and ready for the judge to sign. If you are changing an existing order, use the appropriate Judicial Council form (i.e. CH-130, WV-130, TH-130, or SV-130) and type or write the word "AMENDED" in front of the form title (located at the top and the bottom of the form). For example: **AMENDED** Civil Harassment Restraining Order after Hearing.

If you are requesting the Court to terminate the Restraining Order, you will need to use the local Court form, L 1281, *Order to Terminate Restraining Order/Injunction*.

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served this Notice of Motion and Motion for Order to Modify or Terminate Restraining Order/Injunction as follows:

a. **Personal delivery.** I personally delivered the above mentioned document as follows:

- (1) Name of person served:
- (2) Address where served:
- (3) Date served:
- (4) Time served:

b. **Mail.** I deposited the above mentioned document in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

- (1) Name of person served:
- (2) Address:
- (3) Date of mailing:
- (4) Place of mailing (city and state):
- (5) I am a resident of or employed in the county where this mailing took place. My residence or business address is (specify):

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

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

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

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

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

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

CH-130

Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Protected Person

a. Your Full Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of _____

Fill in case number:

Case Number: _____

② Restrained Person

Full Name: _____

Description:

Sex:	<input type="checkbox"/> M	<input type="checkbox"/> F	Height: _____	Weight: _____	Date of Birth: _____
Hair Color:	_____		Eye Color: _____	Age: _____	Race: _____
Home Address (if known):	_____				
City:	_____		State: _____	Zip: _____	
Relationship to Protected Person:	_____				

③ Additional Protected Persons

In addition to the person named in ①, the following family or household members of that person are protected by the orders indicated below:

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "Attachment 3—Additional Protected Persons" as a title. You may use Form MC-025, Attachment.

④ Expiration Date

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

Time: _____ a.m. p.m. or midnight on (date): _____

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

This is a Court Order.



Case Number: _____

5 Hearing

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

To the Person in ② :

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

6 Personal Conduct Orders

- a. You must **not** do the following things to the person named in ①
 and to the other protected persons listed in ③ :
 - (1) Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by e-mail, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item is not checked, the court has found good cause not to make this order.
 - (4) Other (specify):
 Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Orders

- a. You **must** stay at least _____ yards away from (check all that apply):
 - (1) The person in ① (6) The place of child care of the children of the person in ①
 - (2) Each person in ③ (7) The vehicle of the person in ①
 - (3) The home of the person in ① (8) Other (specify): _____
 - (4) The job or workplace of the person in ① _____
 - (5) The school of the children of the person in ① _____
- b. This stay-away order does not prevent you from going to or from your home or place of employment.

This is a Court Order.

Case Number: _____

8 No Guns or Other Firearms and Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. If you have not already done so, you must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
 - File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in or sold. (You may use Form CH-800, Proof of Firearms Turned In or Sold, for the receipt.)
- c. The court has received information that you own or possess a firearm.

9 Lawyer's Fees and Costs

The person in _____ must pay to the person in _____ the following amounts for:

- a. Lawyer's fees
- b. Court costs

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

Additional items and amounts are attached at the end of this Order on Attachment 9.

10 Other Orders (specify):

Additional orders are attached at the end of this Order on Attachment 10.

To the Person in 1 :

11 Mandatory Entry of Order Into CARPOS Through CLETS

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a. The clerk will enter this Order and its proof-of-service form into CARPOS.
- b. The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.
- c. By the close of business on the date that this Order is made, you or your lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this Order on Attachment 11.

This is a Court Order.



12 Service of Order on Restrained Person

- a. The person in ② personally attended the hearing. No other proof of service is needed.
- b. The person in ② did not attend the hearing.
- (1) Proof of service of Form CH-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in Form CH-110 except for the expiration date. The person in ② must be served with this Order. Service may be by mail.
- (2) The judge's orders in this form are different from the temporary restraining orders in Form CH-110. Someone—but not anyone in ① or ③—must personally serve a copy of this Order on the person in ②.

13 No Fee to Serve (Notify) Restrained Person

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

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

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

Date: _____

Judicial Officer

Warning and Notice to the Restrained Person in ② :**You Cannot Have Guns or Firearms**

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in item ⑧ above. The court will require you to prove that you did so.

Instructions for Law Enforcement**Enforcing the Restraining Order**

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). 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 must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

This is a Court Order.

Start Date and End Date of Orders

This Order *starts* on the date next to the judge’s signature on page 4 and *ends* on the expiration date in item ④ on page 1.

Arrest Required If Order Is Violated

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

Notice/Proof of Service

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

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

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

If the Protected Person Contacts the Restrained Person

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

Conflicting Orders

A protective order issued in a criminal case on Form CR-161 takes precedence in enforcement over any conflicting civil court order. (Pen. Code, § 136.2(e)(2).) Any nonconflicting terms of the civil restraining order remain in full force. An *Emergency Protective Order* (Form EPO-001) that is in effect between the same parties and is more restrictive than other restraining orders takes precedence over all other restraining orders. (Pen. Code, § 136.2.)

Clerk's Certificate
[seal]

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

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P.O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13th Street, Westminster, CA 92683-4593	
PETITIONER: RESPONDENT:	
ORDER TO TERMINATE: <input type="checkbox"/> RESTRAINING ORDER <input type="checkbox"/> INJUNCTION PROHIBITING HARASSMENT Civil Harassment, Workplace Violence, Transitional Housing, Private Postsecondary School Violence	CASE NUMBER: _____

NOT TO BE USED FOR DOMESTIC VIOLENCE

On (hearing date) _____ in Department _____ of the above named Superior Court, a hearing was held to terminate the Restraining Order Injunction Prohibiting Harassment that was issued on (date) _____ against (name of respondent) _____

(Respondent's name must match name on the original Order. A copy of that order is attached as page 2 of this order.)

The Court Orders:

1. The request for termination of the: Restraining Order Injunction Prohibiting Harassment is granted.
2. The petitioner respondent must deliver a certified copy of this order to each law enforcement agency named on the attached *Temporary Restraining Order or Restraining Order After Hearing*.
3. The clerk is directed to send a copy of this order to CLETS.

Date: _____

JUDICIAL OFFICER