

Response to Civil Harassment Restraining Order



**LEGAL AID
FOUNDATION
OF LOS ANGELES**

How To Guide

Self-Help Legal Access Centers

Santa Monica

1725 Main St.,
Room 210
Santa Monica, CA 90401

Inglewood

1 East Regent St.,
Room 107
Inglewood, CA 90301

Torrance

825 Maple Ave.,
Room 160
Torrance, CA 90503

Long Beach

275 Magnolia Ave.,
Room 3101
Long Beach, CA 90802

January 2023

This guide is designed to help you fill out the forms yourself. It is not intended to provide legal advice nor strategy as to how to complete the case. The information provided in this packet only presents options and examples. This is not a substitute for professional legal advice from an attorney.

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What is a civil harassment restraining order?

It is a court order that prohibits you from doing certain things and going to certain places.

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person's home and workplace
- Not have any firearms (guns), firearm parts, or ammunition as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).
For more information about the items you would not be allowed to have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because he or she has been or is being:

- Stalked
- Harassed
- Assaulted, including sexually, *or*
- Threatened with violence

I've been served with a request for civil harassment restraining orders. What do I do now?

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [CH-120, Response to Request for Civil Harassment Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at www.courts.ca.gov/forms. Forms may also be at your local courthouse or county law library.

What if I don't obey the order?

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

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

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form CH-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail must fill out form [CH-250, Proof of Service by Mail](#). Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Should I go to the court hearing?

Yes. You should go to court on the date listed on form CH-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

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 _____

Court fills in case number when form is filed.
Case Number: _____

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

Name and address of court if different from above: _____

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

4 Temporary Restraining Orders (Any orders granted are on Form CH-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in Form CH-100, Request for Civil Harassment Restraining Orders, are (check only one box below):

(1) ☐ All GRANTED until the court hearing.

(2) ☐ All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3) ☐ Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov
Revised July 1, 2014, Mandatory Form
Code of Civil Procedure, § 527.6
Approved by DOJ

Notice of Court Hearing
(Civil Harassment Prevention)

CH-109, Page 1 of 3
→



How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

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

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to him or her unless the judge or that person's attorney says that you can.

Can I bring a witness to the court hearing?

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

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/CH-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a gun?

If a restraining order is issued, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have a firearm (gun) or firearm parts in your immediate possession or control, you must sell it to or store it with a licensed gun dealer, or turn it in to a law enforcement agency.

Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

What if I have a disability?

If you have a disability and need an accommodation while you are at court, you can use form [MC-410, Disability Accommodation Request](#), to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).

Response to Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Request (form CH-100)

- Read *How Can I Respond to a Request for Civil Harassment Restraining Orders?* (form CH-120-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you**—serve the person in ① or his or her lawyer by mail with a copy of this form and any attached pages. (Use form CH-250, Proof of Service by Mail.)

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item ①):
Print the Other Party's Full Name (as Written on Restraining Order)

Fill in court name and street address:

Superior Court of California, County of
Print "Los Angeles"

Print Court's Complete Address

Court fills in case number when form is filed.

Case Number:

PRINT CASE NUMBER

② Person From Whom Protection Is Sought

a. Your Name: Print Your Name (as Written on Restraining Order)

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 email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Email Address: _____

PRINT YOUR ADDRESS, PHONE NUMBER, AND EMAIL ADDRESS

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form CH-109 item ③ here:

Hearing
Date

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

③ Personal Conduct Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3)
- c. ☐ I agree to the following orders (Specify below or _____)

If the other party requested personal conduct orders in CH-100 #8...
If you agree, check box "a". If you disagree, check box "b." If you would agree to different personal conduct orders, check box "c" and specify the personal conduct orders to which you would agree on the lines provided.

④ Stay-Away Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in item ⑪ on page 3)
- c. ☐ I agree to the following orders (specify below or _____)

If the other party requested stay away orders in CH-100 #9...
If you agree, check box "a." If you disagree, check box "b." If you would agree to different stay away orders, check box "c" and specify the stay away orders to which you would agree on the lines provided.

⑤ Additional Protected Persons

- a. ☐ I agree that the persons listed in item ③
- b. ☐ I do not agree that the persons listed in item ③

If the other party requested protections for other persons in CH-100 #3...
If you agree, check box "a." if you disagree, check box "b."

requested.
order requested.

6 Firearms (Guns), Firearm Parts, and Ammunition

If you were served with form CH-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 7 of form CH-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form CH-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.

- a. ☐ I do not own or control any firearm.
- b. ☐ I ask for an exemption from carrying a firearm is a condition of my employment or in a position where a firearm is used.
- ☐ Check here if there is no exemption.

If you do not own any guns or firearms, check box "a." If you are requesting an exemption to carrying firearms due to employment, check box "b" and explain your reasons in lines provided. If you turned in your guns or firearms, check box "c" and complete form CH-800.

Check here if there is no exemption. Attach a separate sheet of paper and write "Attachment 6b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. ☐ I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.
- A copy of the receipt ☐ is attached. ☐ has already been filed.

7 Possession and Protection of Animals

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in lines provided.)
- c. ☐ I agree to the following orders (specify below or in item 11).

If the other party requested possession and protection of animals in CH-100 #15...
If you agree, check box "a." If you disagree, check box "b." If you would agree to different orders, check box "c" and specify the orders to which you would agree in lines provided.

8 Other Orders

- a. ☐ I agree to the orders requested.
- b. ☐ I do not agree to the orders requested. (Specify why you disagree in lines provided.)
- c. ☐ I agree to the following orders (specify below or in item 11).

If the other party requested any other orders in CH-100 #16...
If you agree, check box "a." If you disagree, check box "b." If you would agree to different orders, check box "c" and specify the orders to which you would agree in lines provided.

9 Denial

I did not do anything described in item 7 of form CH-110.

Check this box if you did not do any of the described harassment in #7 of CH-100.



10 ☐ **Justification or Excuse**

If I did some or all of the things that the person in **1** has accused me of, my actions were justified or excused for the following reasons (*explain*):

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 10—Justification or Excuse" as a title. You may use form MC-025, Attachment.

If you did some of the things described in #7 of the CH-100, check box 10 and explain why your actions were justified or excused in the space below or on Attachment MC-025 if you cannot fit your explanation on the lines below.

11 ☐ **Reasons I Do Not Agree to the Orders Requested**

Explain your answers to each

- ☐ Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 11—Reasons I Do Not Agree to the Orders Requested" as a title. You may use form MC-025, Attachment.

If you do not agree with the orders requested, check box 11 and explain why in the space below or on Attachment MC-025 if you cannot fit your explanation on the lines below.

complete answer on an attached sheet may use form MC-025, Attachment.



12 ☐ **No Fee for Filing**

- a. ☐ I request that I not be required to pay the filing fee because the person in ① claims in form CH-100 item ⑬ to be entitled to a fee waiver. (Form FW-001, Request to Waive Court Fees, *must be filed separately.*)
- b. ☐ I request that I not be required to pay the filing fee because the person in ① claims in form CH-100 item ⑬ to be entitled to a fee waiver. (Form FW-001, Request to Waive Court Fees, *must be filed separately.*)

Check either box "a" or box "b" whichever applies to you.

13 ☐ **Lawyer's Fees and Costs**

- a. ☐ I ask the court to order payment of my ☐ Lawyer's fees ☐ Court costs.

The amounts requested are:

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

- ☐ Check here if there are more items. Put the items and amounts on the attached sheet of paper and write "Attachment 13—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

- b. ☐ I ask the court to deny the request of the person asking for protection that I pay his or her lawyer's fees and costs.

If you attach documents, indicate the number of pages attached here.

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

Date: _____

Lawyer's name (if any)

Lawyer's signature

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

Date: Print Date

Print Your Full Name
Type or print your name

Sign Your Name
Sign your name

Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

Print the Other Party's Name (as written on Restraining Order)

2 Name of Person to Be Restrained:

Print Your Name (as Written on the Restraining Order)

3 Notice to Server

The server must:

- Be 18 years of age or over.
- Not be listed in items ①, ②, or ③ of form CH-100, *Request for Civil Harassment Restraining Orders*.
- Mail a copy of all documents checked in ④ to the person in ⑤.

Fill in court name and street address:

Superior Court of California, County of
Print "Los Angeles"

Print Court's Complete Address

Fill in case number:

Case Number:

PRINT CASE NUMBER

4 I (the server) am 18 years of age or over and live in or am employed in the county where the mailing took place. I mailed a copy of all documents checked below to the person in ⑤:

- a. ☐ CH-120, *Response to Request for Civil Harassment Restraining Orders*
- b. ☐ CH-130, *Civil Harassment Restraining Order Hearing*
- c. ☐ Other (specify) _____

Check box(es) and/or specify
what forms were mailed to the
other party.**5 I placed copies of the documents checked above in a sealed envelope and mailed them as follows:**

a. Name of person served: Print the Name of Person Who Served Papers

b. To this address: Print the Address Where the Response Was Mailed

City: _____ State: _____

c. Mailed on (date): _____

d. Mailed from (city): _____ (state): _____

In 5 (c) print the date the
response was mailed and
on 5 (d) the city and state
where the response was
mailed from.**6 Server's Information**

Name: _____

Address: _____

City: _____

Telephone: _____

PERSON WHO MAILES THE RESPONSE
PRINTS THEIR NAME, ADDRESS, AND
PHONE NUMBER

Zip: _____

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: Print Date _____

Print Name of Person Who Mailed Documents to Other Party
Type or print server's nameSignature of Person Who Mailed Papers
Server to sign here

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What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the 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 items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form CH-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

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1 PetitionerName: Print the Other Party's Name (as written on Restraining Order)**2 Restrained Person**a. Your Name: Print Your Name (as Written on the Restraining Order)

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 email.)

Address: Print Your Street AddressCity: Print Your City State: Print Your State Zip: Print Your Zip CodeTelephone: Print Your Telephone # Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of
Print "Los Angeles"

Print Court's Complete Address

Court fills in case number when form is filed.

Case Number:

PRINT CASE NUMBER

3 To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **(4)** or **(5)**. For more information on how to properly turn in your items, read form CH-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

4**To Law Enforcement**(Complete the section below. Keep a copy and give the original to the person in **(2)**.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____

Items Surrendereda. Firearms and firearm parts
Date: _____b. List of items (List of items
agency (e.g., a professional gun dealer))

LEAVE BLANK

separate form from your
attached a separate form):☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item **(6)**.)

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

Signature of law enforcement agent: _____

5

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in (2).)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____

Items Stored or Sold

a. Firearms and firearm parts

Date: _____

LEAVE BLANK

b. List of items (List all the items surrendered to the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) below if you have attached a separate form):

rate form (e.g.,
k below if you have

☐ Separate form is attached. (If it does not include all surrendered items, list additional items in item (6).)

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

► Signature of licensed gun dealer: _____

6

☐ **List of Items Surrendered**

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	To be Stored destroyed
(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"/>

Complete this section about any item(s) surrendered.

☐ Check here if the item is a CH-800. Write "CH-800" in the space below.

List other items.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

☐ No

☐ Yes (If yes, check one of the following)

a. ☐ I filed a *Receipt for* court on (date):

b. ☐ I am filing the pro

c. ☐ I have not yet filed
(Explain why not):

Answer Y or N regarding if you have additional firearms (guns), firearm parts, or ammunition parts, or ammunition not listed on the prior page.

If you answered Y, read and determine if (a), (b), and/or (c) apply.

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: Print Date

Print Your Full Name
Type or print your name



Sign Your Name
Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.