

HOW TO OBTAIN A HARASSMENT RESTRAINING ORDER

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UCLA Student Legal Services (January 2012)

1. In addition to these instructions, you will need to obtain a packet of forms from the court. You should go to a California Superior Court and ask for the forms to obtain a Civil Harassment Restraining Order. The forms also may be obtained online at <http://www.courtinfo.ca.gov/forms>. Complete Form CH-100, Request for Civil Harassment Restraining Orders (the "Request"), Form CH-109, Notice of Court Hearing (the "Notice"), and Form CH-110, Temporary Restraining Order ("TRO"). You also will need to complete the Civil Case Cover Sheet and Civil Case Cover Sheet Addendum, which is a Los Angeles County Superior Court form. You should type the documents, although you may print clearly in black ink.

2. Make six copies of each document before you go to the courthouse. You must punch the top of your documents with two holes (each hole should be approximately 3 inches from each margin). Special two hole punches are available at the filing window for you to use. If you have questions about how to punch your documents properly, ask the clerk at the filing window before you appear before the judge.

3. Before going to the courthouse, you are supposed to give the person who is harassing you (the "defendant") advance notice that you are going to ask the court to issue a Temporary Restraining Order (a "TRO") against him or her, unless you believe it would be dangerous to do so. You should attempt to tell the defendant, either by telephone or in person, at least 24 hours before you appear in court that you will be seeking a TRO, and the date, time, and place (i.e., the address of the courthouse and the Department number) that you will be seeking the order. If you are unable to reach the defendant, you may try to reach the defendant's attorney or someone else who would be able to give the defendant notice of your attempt to get a TRO. If you are unable to give the defendant this notice, you may ask someone else to do it for you. Whoever does give this notice to the defendant should fill out the Declaration of Ex Parte Notice. You should fill in your name, address, and telephone number at the top; then put the courthouse address, your name, and the defendant's name. Print the name of the person who gave the notice on the line before paragraph 1. In paragraph 1, fill in the name of the person informed and the date and time that notice was given. Then check one of the methods of notification listed. Fill in the Department number, the location of the court where you will be seeking the order, and the date; the hearing will be in Department 7 if you are filing downtown and Department E if you are filing in Santa Monica. In paragraph 2, check the applicable boxes. At the bottom of the page, put the date on which the person who gave notice is signing it and have that person sign the declaration. There may be times when you believe it would be dangerous to give advance notification to the defendant. If that is the case, you should complete the Declaration Re: Notice of Ex Parte Request (No Notice Given).

4. Go to the courthouse to file the Request, the Notice, and the TRO. If you live in Santa Monica or in West Los Angeles (i.e., west of La Cienega Boulevard), you should file in the Superior Court in Santa Monica at 1725 Main Street, Santa Monica, CA 90401. If you live closer to downtown, you should file in the Superior Court downtown at 111 N. Hill Street, Los Angeles, CA 90012. If you are not sure which courthouse you should go to, call (213) 974-5195 and ask for the clerk who handles jurisdiction questions; give that clerk your address and ask which is the proper court for your case.

5. If you are filing downtown, first go to the Superior Court filing window in room 102 to file your Request and get a case number; then take your completed forms to Department 6 in room 247 to appear before a judge. If you are filing in Santa Monica and your forms are already filled out, go directly to Department E in room 111 to appear before a judge. If you file downtown, you will have to appear before the judge during the hours of 8:30 a.m. - 11:30 a.m. and 1:30 p.m. - 3:30 p.m.; in Santa Monica, you must appear at 8:30 a.m. if you have given notice to the defendant, although the judge sometimes will waive the notice requirement if the defendant has been violent and will hear these cases during the hours of 8:30 a.m. - 11:30 a.m. and 1:30 p.m. - 3:30 p.m.. You should arrive at the courthouse in advance of these hours so you will have ample time to process your case. The judge will then review your Request, the Notice, and the TRO. The judge may ask you a few questions concerning the harassment. If the judge determines that there is sufficient cause to grant the TRO, the judge will sign the TRO and a date will be set for a hearing in approximately two weeks.

6. Generally, you must pay a \$395.00 fee to file the Request. If the harassment has included violence or threats of violence, however, there is no filing fee pursuant to California Code of Civil Procedure section 527.6(p). Also, if you cannot afford to pay the \$395.00 filing fee, you may request that this filing fee be waived. You will need to obtain an Request to Waive Court Fees (Form FW-001) and an Order on Court Fee Waiver (Form FW-003) at the filing window or online at www.courtinfo.ca.gov/forms. You should fill out all of the financial information requested on the Application for Waiver. You also should complete the top portion of the Order. In Santa Monica, the judge in Department E (room 111) will review your Application for Waiver at the same time he or she reviews the harassment papers. Downtown, you should go to room 102 first to file your papers and get a case number, and then to room 208 for the fee waiver; afterwards, the judge in Department 7 (room 240) will review your harassment papers. If the judge determines that you qualify to have your fee waived, the judge will give you a document stating that your application has been granted. You take this document to the clerk at the filing window, and you will be able to file the Request, the Notice, and the TRO without having to pay a filing fee. If the judge denies your application, you will be required to pay the filing fee in order to obtain a restraining order.

7. After the judge signs the TRO, go to the Superior Court filing window (room 102 in Santa Monica and room 102 downtown) and give the clerk the following: the original and all of the copies of the Request, the Notice, and the TRO; and a check for \$395.00 (you also may pay by cash) or the fee waiver order the judge gave you. The clerk will stamp the original documents with the case number and will stamp the copies as "Filed." The clerk will keep the original documents and will return the copies to you. You also will need to complete and deliver to the sheriff Form CL-001, Confidential CLETS Information, along with a copy of the TRO; the sheriff will enter the information in a computer database. The sheriff's office is located in room 525 in the downtown courthouse and room 114 in the Santa Monica courthouse.

8. In order for the TRO to become effective, the defendant must be personally served with the Request, the Notice, the TRO, and a blank Response to Request for Orders to Stop Harassment (CH-110); you also may want to serve the Proof of Firearms Turned In or Sold (CH-800), How Do I Turn In or Sell My Firearms (CH-800 INFO), and How Can I Respond to a Request for Civil Harassment Restraining Orders (CH-120 INFO) forms. It usually takes the sheriff more than a week to serve papers on the defendant and may cost approximately \$35.00. Thus, for faster service it generally is better to ask a friend (who is over 18 years old and is not a party to the lawsuit) or to hire a professional process server to serve the TRO, the Notice, and the other forms on the defendant. A professional process server will

cost you at least \$40.00, but you may wish to hire such a person if the defendant is likely to become violent when he or she is served. If the defendant is a member of the UCLA community, the UCPD frequently is willing to help with service. If you do not wish to spend the money hiring a private process server or the UCPD is unable to help, you may ask a friend of yours simply to hand the papers to the defendant; that is all it takes to serve the defendant. Be sure to serve a copy that has the date, time, and place of the hearing noted in paragraph 3 of the Notice. The defendant must be served at least five days before the hearing.

9. Once the TRO and Notice have been served on the defendant, the person serving the defendant must complete the Proof of Personal Service form (CH-200). Put your name in paragraph 1 and the name of the person who is harassing you in paragraph 2. In paragraph 3, check off the boxes by the documents that were served on the defendant (in most cases, you will mark boxes a, b, c, d, e, and g at this stage). In paragraph 5, note the exact date, time, and place of service. In paragraph 6, state the name, address, and telephone number of the person who served the defendant. The person who served the defendant should then date and sign the Proof of Personal Service and print his or her name to the left of the signature. Make at least six copies of this document before you file the original with the court. File the original Proof of Personal Service with the court as soon as possible after service and have the copies stamped "Filed."

10. Once the TRO and the Notice has been served on the defendant and the Proof of Personal Service has been completed, you should deliver a copy of all three of these documents to your local police department. For example, if you live in West Los Angeles and attend classes at UCLA, you would want to deliver a copy both to the West Los Angeles Police at 1663 Butler Avenue and a copy to the University of California Police Department at 601 Westwood Plaza. It also is advisable to include the police department where you work.

11. The TRO becomes effective and enforceable only when it is served on the defendant. Delivering a copy of it to the police makes it easier to enforce. Thus, if the defendant does anything prohibited in the TRO, you should call the police, who should respond immediately and arrest the defendant for violation a court order. It generally is a good idea to carry a copy of the TRO, the Notice, and the Proof of Personal Service form with you at all times so that if the defendant violates the TRO, you can show it to any police officer, even if the officer is not from a branch to which you already have delivered a copy of the TRO, Notice, and Proof of Personal Service.

12. When the judge signed the TRO, a date was set for a hearing to determine whether the restraining order should be effective for longer than two weeks. Before going to the hearing, you should prepare Form CH-130, Civil Harassment Restraining Order After Hearing (the "Restraining Order After Hearing"). Fill in your name and address in paragraph 1. In paragraph 2, fill in the defendant's name, description, age, date of birth, address, and relationship to you to the best of your ability. List the full names of the other people to be protected by the order in paragraph 3. In paragraphs 6 and 7, you should check off the boxes that you believe are applicable to your case. If there are other orders you believe are necessary that are not covered in paragraphs 6 and 7, you should state them in paragraph 10. The judge may modify the requests that you have made in the Order After Hearing when he or she signs it. The Restraining Order After Hearing is enforceable only if the judge signs it and, if the judge makes changes in the Restraining Order After Hearing that you present to the court (e.g., crosses out provisions, changes the wording, etc.), it is only the modified terms that are enforceable.

13. The TRO is effective only until the date of the hearing (which is specified in paragraph 3 of the Notice). You must attend the hearing and the defendant also has the right to attend the hearing. You should be prepared to present your case and whatever evidence you have (e.g., personal testimony of people who have witnessed the harassment, any documents reflecting the harassment, medical records if you had to seek treatment, or police reports) to convince the judge that you have been a victim of harassment. The defendant also will have an opportunity to rebut your allegations of harassment. The judge probably will ask both of you questions. The judge will decide whether to grant your request for a restraining order and for how long the restraining order will remain in effect. The judge can decide to impose the restraining order for a period of up to three years.

14. Paragraph 12 of Restraining Order After Hearing indicates whether you will need to serve the defendant if the judge issues a restraining order against the defendant. No Proof of Service is necessary if the defendant attends the hearing where the judge issues the order, and the judge checks box 12.a. in the Order. You will need to arrange for the defendant to be served with the Order if the defendant does not appear at the hearing. If the Order has the same terms (except duration, of course) as the TRO, the defendant may be served by mailing a copy of the Order to the defendant by first-class mail at the most current address available; the judge will check box 12.b.(1), and you can use Form CH-260, Proof of Service of Order After Hearing by Mail. If the terms of the Order differ from the TRO, then the defendant must be served in the same way as he or she was served with the TRO (see paragraph 8); the judge will check box 12.b.(2). You should file copies of the Order and either a Proof of Personal Service or a Proof of Service of Order After Hearing by Mail (if required by paragraph 12.b. of the Order) with the appropriate police departments (see paragraph 10). In addition, you will need to complete and deliver to the sheriff (in the courthouse) Form CLETS-001, Confidential CLETS Information, along with a copy of the Restraining Order After Hearing.

15. As long as the Restraining Order After Hearing is in effect, the defendant may not engage in any activity that is prohibited in the Order. If the defendant does, you should call the police and tell them the defendant is violating a restraining order. The police then will arrest the defendant for violating the Order. It generally is a good idea to carry a copy of the Restraining Order After Hearing and the Proof of Service form (if required by paragraph 12.b. of the Order) with you at all times so that if the defendant violates the Order, you can show it to any police officer, even if the officer is not from a branch to which you already have delivered a copy of the Restraining Order After Hearing and Proof of Service.

16. In addition to keeping a copy of the Restraining Order After Hearing and Proof of Service with you and delivering a copy to the police, you should provide a copy to anyone protected by the Order as well as to the people in charge or the security officers at the places the defendant is ordered not to go (e.g., your apartment building, work, school, daycare, etc.). You also should keep one copy in a safe place.

17. If you have questions, the court clerks often can provide you with information. If you file in Santa Monica, call Department E at (310) 260-3609; if you file downtown, call Department 8 at (213) 974-5588. If you qualify for service, you may call UCLA Student Legal Services at (310) 825-9894 or the following legal clinics:

For Assistance Completing Forms at the Courthouse:

(Note: Some clinics that handle domestic violence matters will provide some assistance for harassment that involves violence or threats of violence.)

ANTELOPE VALLEY COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

42011 4th Street West, Third Floor, Room 3700, Lancaster, CA 93534

(800) 433-6251

Be prepared to wait to be assisted.

Mon-Th 8:30 a.m. –noon and 1:30 p.m. -3:00 p.m.

Fri 8:30 a.m. – noon

www.nls-la.org

Assistance with domestic violence restraining orders. Low income only. No fee.

DOWNTOWN COURTHOUSE:

DOMESTIC VIOLENCE PROJECT OF LA COUNTY BAR ASSOCIATION – BARRISTER SECTION

111 N. Hill Street, Dept. 8, Room 245, Second Floor, Los Angeles, CA 90012

(213) 624-3665

Mon-Fri: 9:00 a.m. - 11:30 a.m., 1:30 p.m. - 3:30 p.m.

<http://www.lacba.org/showpage.cfm?pageid=420>

\$20 fee, which may be waived depending on income level. Volunteer attorneys and law students provide legal assistance to abused victims and their children by preparing the legal documents required to obtain temporary, and ultimately permanent, restraining orders which can include orders for custody, restricted visitation and child support. The Project also provides legal assistance to elderly individuals and to minor children seeking protection against sexual abuse by family members.

INFO LINE OF LOS ANGELES

Los Angeles Superior Court

111 N. Hill Street, 2nd Floor, Room 227, Los Angeles, CA 90012

(213) 974-2649 (Located in the Family Law Information Center)

(800) 339-6993 in Los Angeles County or

(323) 686-0950 in Los Angeles County

(310) 551-2929 West Los Angeles

Mon/Wed: 8:00 a.m. – 12:00 noon, 1:00 p.m. – 4:30 p.m.

<http://www.infoline-la.org>

Info Line of Los Angeles provides information about and referrals for more than 4,500 services in Los Angeles County. An advisor assists in identifying appropriate programs and community resources for individuals, children, and families involved in the court system. All services are confidential, and may include referrals to legal support services, public benefits, substance abuse programs, counseling, job training programs, and many other needed services.

LONG BEACH COURTHOUSE:

DOMESTIC VIOLENCE RESTRAINING ORDER PROJECT

(Project of Legal Aid Foundation of Long Beach)
415 W. Ocean Blvd., Room 102, Long Beach, CA 90802
(562) 435-3501
Walk-ins: Mon–Thur: 12:30 p.m. - 3:30 p.m.
<http://www.lafla.org>
Domestic violence and civil harassment TRO's in pro per. No fee.

NORWALK COURTHOUSE:

FAMILY LAW INFORMATION CENTER

12720 Norwalk Boulevard, Room 202, Norwalk, CA 90650
(562) 807-7300
Mon, Tues, Wed, and Fri: 8:00 a.m. – 12:00 noon, 1:00 p.m. – 4:30 p.m.
Th: 8:00 a.m. – 12:00 noon
<http://www.lasuperiorcourt.org/familylaw/ov-infocenter.htm>
The Family Law Information Center provides general family law information, referrals and assistance to self-represented parties. Parties are provided legal forms and procedural guidance in the areas of dissolution of marriage (divorces), legal separation, paternity cases, and domestic violence actions by a paralegal, under the supervision of an attorney. Within these areas assistance can be sought regarding child custody and visitation, child and spousal support and limited property issues. The staff may assist both sides of the same case.

PASADENA COURTHOUSE:

BARRISTERS DOMESTIC VIOLENCE COUNSELING PROJECT

300 East Walnut Street, Room 100, Pasadena, CA 91101
<http://www.lacba.org/showpage.cfm?pageid=420>
Mon-Fri: 9:00 a.m. - 11:00 a.m.
Domestic violence restraining orders (in pro per). \$20 fee.

POMONA COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

400 Civic Center Plaza, 7th Floor, Room 702, Pomona, CA 91766
(800) 433-6251
www.nls-la.org
Be prepared to wait to be assisted.
Mon-Fri 8:30 a.m. - noon
Assistance with domestic violence restraining orders. Low income only. No fee.

SAN FERNANDO COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

900 Third Street, 1st floor, Room 1026, San Fernando, CA 91340

(800) 433-6251

www.nls-la.org

Be prepared to wait to be assisted.

Mon-Fri 8:30 a.m. - noon

Assistance with domestic violence restraining orders. Low income only. No fee.

SANTA MONICA COURTHOUSE:

LEGAL AID FOUNDATION OF LOS ANGELES/DOMESTIC VIOLENCE CLINIC

1725 Main Street, Room 121, Santa Monica, CA 90401

(310) 260-3524

<http://www.lafla.org>

Walk-ins: Mon–Fri: 8:30 a.m. - 11:00 a.m.

Domestic violence restraining orders. No fee.

TORRANCE COURTHOUSE:

TORRANCE SELF-HELP LEGAL ACCESS CENTER

Torrance Courthouse

825 Maple Avenue, Room 160

Torrance, Ca 90503

Monday-Thursday: 9:00 a.m.-12 noon, 1:30 p.m. – 4:00 p.m.

Fridays: 9:00 a.m. – 12 noon

<http://lafla.org/service.php?sect=family&sub=help>

Serves low-income people in the communities of the Southwest Judicial District who seek help with domestic violence, child abduction, paternity, custody and visitation, spousal and child support, divorce, and domestic violence-related immigration issues.

VAN NUYS COURTHOUSE:

NEIGHBORHOOD LEGAL SERVICES DOMESTIC ABUSE SELF-HELP CLINIC

6230 Sylmar Avenue, Room 212D, Van Nuys, CA 91401

(800) 433-6251

www.nls-la.org

Be prepared to wait to be assisted.

Mon-Fri 9:00 a.m. - noon

Assistance with domestic violence restraining orders. Low income only. No fee.

For General Assistance:

EQUAL RIGHTS ADVOCATES

1663 Mission Street, Suite 250, San Francisco, CA 94013

(415) 621-0672 (Office)

(800) 839-4372 (Hotline)

Mon.-Fri. 9:00 a.m. – 5:30 p.m.

Hotline counselors are available Mon & Tue: 2:00 p.m. – 4:00 p.m.; Wed: 5:00 p.m. – 7:00 p.m.; Fri: 10:00 a.m. – 12:00 noon.

<http://www.equalrights.org>

Provides assistance and referrals to women who have been the victim of sex discrimination and harassment only.

FULLER PSYCHOLOGICAL AND FAMILY SERVICES

135 N. Oakland Avenue, Pasadena, CA 91182

(626) 584-5200

Mon-Fri 8:30 a.m. - 4:30 p.m.

http://www.fuller.edu/sop/main/psychological_center.asp

Individual, marital, child, & family counseling; by appointment. Sliding fee scale, counseling only.

LEGAL PROTECTION FOR WOMEN

5300 E. Beverly Blvd., Ste. D, East Los Angeles, CA 90022

(323) 721-9882

Mon-Fri: 9:00 a.m. – 5:00 p.m.

Counseling & referral; simple divorce; interprets Spanish to English. Fees range from \$350-500.

PEACE OVER VIOLENCE

<http://peaceoverviolence.org>

24-Hour Hotlines

- 310.392.8381
- 213.626.3393
- 626.793.3385
- 877.633.0044 (stalking hotline)

Metro Headquarters: 605 West Olympic Boulevard, Suite 400 Los Angeles, CA 90015 Office: 213 955-

9090 Fax: 213 955-9093 TDD: 213 955-9095 Video Phone: 213.955.9249 Self-Defense: 213 955-9098

West San Gabriel Valley Center 892 N Fair Oaks Ave Suite D Pasadena, CA 91103-3046 Office:

626.584.6191 Fax: 626.584.6193 TDD: 626.584.6160

Services include referral and advocacy services, individual and group counseling, educational programs ranging from self-defense classes to violence prevention programs. Case managers provide assistance and referrals for basic needs such as shelter, food, clothing, and transportation.

WORKING PEOPLES LAW CENTER

1475 Echo Park Avenue, Los Angeles, CA 90026

(213) 250-5500

Mon-Fri: 9:00 a.m. – 5:00 p.m.

Call for appointment. PI (plaintiff only). Family law actions for child & spousal support, visitation rights; domestic violence TRO's (outside of legal action). No adoptions. Free advice.