

RESPONDING TO A REQUEST FOR A WORKPLACE VIOLENCE RESTRAINING ORDER

SELF-HELP FORM PACKET



SHC-CH-06 (Rev. 01/01/2025)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to www.occourts.org/self-help (click the button labeled *Contact Self-Help Services*), attach the PDF, and complete the online request form. Make sure to select CIVIL as the case type on the form.

What is a workplace violence restraining order?

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

What does the order do?

The court can order you to:

- Not contact people who are protected by the order.
- Stay away from people protected by the order and their home, workplace, and other places.
- Not have any firearms (guns), firearm parts, ammunition, or body armor 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 selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a workplace violence restraining order?

An employer or collective bargaining representative can ask for an order on behalf of an employee who has suffered harassment, violence, or a credible threat of violence at the workplace, or members of their household or other employees.

I've been served with a petition for private workplace violence 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 [WV-120](#) *Response to Petition for Workplace Violence 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. You also may be able to find them 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 WV-120 to the person named in item ① of the petition form WV-100 (or that person's lawyer). (This is called "service by mail.")

The person who serves the form by mail for you must fill out form [WV-250](#), *Proof of Service of Response 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 WV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

| WV-109 Notice of Court Hearing | | Clerk stamps date here when form is filed. | | | | | | | |
|---|--|--|--------------|---------------|-------------|-------|--------------|-------------|-------|
| <p>① Petitioner (Employer or Collective Bargaining Representative)</p> <p>a. Name: _____</p> <p>Lawyer for Petitioner (if any for this case): Name: _____ State Bar No.: _____ Firm Name: _____</p> <p>b. Address (if you have a lawyer, give your lawyer's information.): Address: _____ City: _____ State: _____ Zip: _____ Telephone: _____ Fax: _____ Email Address: _____</p> | <p>Fill in court name and street address: Superior Court of California, County of _____</p> <p>Fill in case number: Case Number: _____</p> | | | | | | | | |
| ② Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence | Full Name: _____ | | | | | | | | |
| ③ Respondent (Person From Whom Protection Is Sought) | Full Name: _____ | | | | | | | | |
| <i>The court will complete the rest of this form.</i> | | | | | | | | | |
| ④ Notice of Hearing | A court hearing is scheduled on the request for restraining orders against the respondent: | | | | | | | | |
| Name and address of court if different from above: | | | | | | | | | |
| <table border="0"> <tr> <td rowspan="2">Hearing Date</td> <td>→ Date: _____</td> <td>Time: _____</td> <td>_____</td> </tr> <tr> <td>Dept.: _____</td> <td>Room: _____</td> <td>_____</td> </tr> </table> | | | Hearing Date | → Date: _____ | Time: _____ | _____ | Dept.: _____ | Room: _____ | _____ |
| Hearing Date | → Date: _____ | Time: _____ | | _____ | | | | | |
| | Dept.: _____ | Room: _____ | _____ | | | | | | |

- To the person in ③:
- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
 - If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.



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 three 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 people to be protected at the court hearing?

Yes. Assume that the people to be protected will attend the hearing. Do not talk to them 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 selfhelp.courts.ca.gov/WV-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 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, ammunition, or body armor 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 employer 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*.

Clerk stamps date here when form is filed.

Use this form to respond to the *Petition* (form WV-100)

- Read *How Can I Respond to a Petition for Workplace Violence Restraining Orders?* (form [WV-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 petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use form [WV-250](#), Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Petitioner Asserts Suffered Harassment, Violence, or Threat of Violence

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

a. Your Name: _____

Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

4 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 12 on page 4.)

c. I agree to the following orders (specify below or in item 12 on page 4):

5 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 12 on page 4.)

c. I agree to the following orders (specify below or in item 12 on page 4):

The court will consider your response at the hearing. Write your hearing date, time, and place from form WV-109, item 4 here:

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

If you were served with a Temporary Restraining Order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to three years.



6 **Protected Persons Not Listed in 2**

- a. I agree that the persons listed in item 4 of the Petition may be protected by the order requested.
- b. I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested.

7 **Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form WV-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 8 of form WV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your immediate possession or control within 24 hours of being served with form WV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form [WV-800](#)) for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*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 7b—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 with the court.

8 **No Body Armor**

If you were served with form WV-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(*Check all that apply*):

- a. I do not own or have any body armor.
- b. I have relinquished all body armor that I have in my possession.
- c. I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (*Attach a copy of the letter granting permission, if you have one.*)



Case Number:

15 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 is true and correct.

Date: _____

Type or print your name

▶ _____
Sign your name

Clerk stamps date here when form is filed.

1 Petitioner (Employer or Collective Bargaining Representative)

Name: _____

2 Employee Who Suffered Harassment, Violence, or Threat of Violence

Name: _____

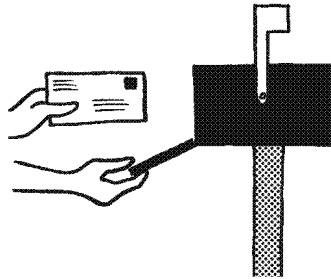
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner's lawyer.
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the petitioner or the petitioner's lawyer a copy of:

- a. Form WV-120, *Response to Petition for Workplace Violence Restraining Order* (completed)
- b. Other (*specify*): _____

6 I placed copies of the documents listed above in a sealed envelope and mailed them as described below:

- a. Mailed to (*name*): _____
- b. To this address: _____
 City: _____ State: _____ Zip: _____
- c. On (*date*): _____ Mailed from: City: _____ State: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

2 If you own or have a firearm you must:

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

3 How do I sell or store my firearm?

Find a California licensed firearms dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

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

Ask the law enforcement agency.

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

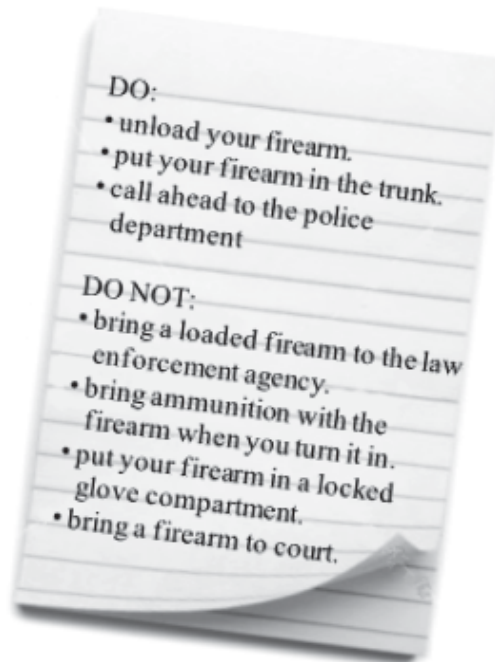
Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:
(insert local information here.)



Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Petitioner (Employer)

Name: _____

2 Employee in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

4 To the Respondent:

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 5 or 6 and item 7. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form WV-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

5 To Law Enforcement

Fill out items 5 and 7 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 7 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____

Name and title of law enforcement agent

Name of law enforcement agency

Address

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

6 To Licensed Gun Dealer

Fill out items 6 and 7 of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in 7 were

sold to me transferred to me for storage on:

Date: _____ at: _____ a.m. p.m.

To: _____

Name of licensed gun dealer

License number Telephone

Address

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

Signature of gun dealer



7 Firearms

| | <u>Make</u> | <u>Model</u> | <u>Serial Number</u> |
|----|-------------|--------------|----------------------|
| a. | _____ | _____ | _____ |
| b. | _____ | _____ | _____ |
| c. | _____ | _____ | _____ |
| d. | _____ | _____ | _____ |
| e. | _____ | _____ | _____ |

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "WV-800, Item 7—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

8 Do you have, own, possess, or control any other firearms besides the firearms listed in **7**? Yes No
If you answered yes, have you turned in, sold, or stored those other firearms? Yes No
If yes, check one of the boxes below:


- a. I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):
- b. I am filing the proof for those firearms along with this proof.
- c. I have not yet filed the proof for the other firearms. (*Explain why not*):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 8c" for a title.

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