

AMENDED IN ASSEMBLY MAY 11, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1081**

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**Introduced by Assembly Member Quirk**

February 27, 2015

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An act to amend Sections 527.6, 527.8, and 527.85 of the Code of Civil Procedure, *to amend Sections 242, 243, and 245 of the Family Code*, and to amend ~~Section~~ Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1081, as amended, Quirk. Protective orders.

(1) Existing law provides the procedure by which a temporary restraining order and an injunction prohibiting harassment or abuse may be sought by, or on behalf of, specified persons. Existing law requires the petitioner seeking the restraining order to personally serve the person against whom the temporary restraining order and injunction are sought, known as the respondent, with notice of hearing within 5 days of the hearing on the petition, as specified. If the petitioner files a declaration with the court that he or she could not serve the respondent within the time required, existing law authorizes the court to reissue an order that was dissolved by the court for failure to serve the respondent. Existing law provides that a reissued order will remain in effect until the date of the hearing, and requires that the reissued order state the date that the order expires.

This bill would permit either party to request a continuance of the hearing, *as specified*, which the court would be required to grant on a showing of good cause. The bill would permit the request to be made in writing before or at the hearing or orally at the hearing, and would

additionally authorize the court to grant a continuance on its own motion. If the court grants a continuance, the bill would require that any temporary restraining order that had previously been granted remain in effect until the conclusion of the continued hearing, and would authorize the court to modify or terminate any temporary restraining order.

(2) Existing law provides that a person who has suffered harassment, defined as unlawful violence, a credible threat of violence, or a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose, may seek a temporary restraining order and an injunction prohibiting harassment. If issued, the injunction would be in effect for a period of up to 5 years and may be renewed for another period of up to 5 years. Under existing law, however, the notice of the hearing must notify the respondent that, if he or she does not attend the hearing on the petition, the court may make orders against him or her that could last up to 3 years.

This bill would modify the requirements for the notice to a respondent so that the respondent is warned that, if he or she does not attend the hearing, the court may make orders against him or her that could last up to 5 years.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is  
 2 amended to read:  
 3 527.6. (a) (1) A person who has suffered harassment as  
 4 defined in subdivision (b) may seek a temporary restraining order  
 5 and an injunction prohibiting harassment as provided in this  
 6 section.  
 7 (2) A minor, under 12 years of age, accompanied by a duly  
 8 appointed and acting guardian ad litem, shall be permitted to appear  
 9 in court without counsel for the limited purpose of requesting or  
 10 opposing a request for a temporary restraining order or injunction,  
 11 or both, under this section as provided in Section 374.  
 12 (b) For purposes of this section:  
 13 (1) “Course of conduct” is a pattern of conduct composed of a  
 14 series of acts over a period of time, however short, evidencing a  
 15 continuity of purpose, including following or stalking an individual,

1 making harassing telephone calls to an individual, or sending  
2 harassing correspondence to an individual by any means, including,  
3 but not limited to, the use of public or private mails, interoffice  
4 mail, facsimile, or computer email. Constitutionally protected  
5 activity is not included within the meaning of “course of conduct.”

6 (2) “Credible threat of violence” is a knowing and willful  
7 statement or course of conduct that would place a reasonable person  
8 in fear for his or her safety, or the safety of his or her immediate  
9 family, and that serves no legitimate purpose.

10 (3) “Harassment” is unlawful violence, a credible threat of  
11 violence, or a knowing and willful course of conduct directed at  
12 a specific person that seriously alarms, annoys, or harasses the  
13 person, and that serves no legitimate purpose. The course of  
14 conduct must be such as would cause a reasonable person to suffer  
15 substantial emotional distress, and must actually cause substantial  
16 emotional distress to the petitioner.

17 (4) “Petitioner” means the person to be protected by the  
18 temporary restraining order and injunction and, if the court grants  
19 the petition, the protected person.

20 (5) “Respondent” means the person against whom the temporary  
21 restraining order and injunction are sought and, if the petition is  
22 granted, the restrained person.

23 (6) “Temporary restraining order” and “injunction” mean orders  
24 that include any of the following restraining orders, whether issued  
25 ex parte or after notice and hearing:

26 (A) An order enjoining a party from harassing, intimidating,  
27 molesting, attacking, striking, stalking, threatening, sexually  
28 assaulting, battering, abusing, telephoning, including, but not  
29 limited to, making annoying telephone calls, as described in Section  
30 653m of the Penal Code, destroying personal property, contacting,  
31 either directly or indirectly, by mail or otherwise, or coming within  
32 a specified distance of, or disturbing the peace of, the petitioner.

33 (B) An order enjoining a party from specified behavior that the  
34 court determines is necessary to effectuate orders described in  
35 subparagraph (A).

36 (7) “Unlawful violence” is any assault or battery, or stalking as  
37 prohibited in Section 646.9 of the Penal Code, but shall not include  
38 lawful acts of self-defense or defense of others.

1 (c) In the discretion of the court, on a showing of good cause,  
2 a temporary restraining order or injunction issued under this section  
3 may include other named family or household members.

4 (d) Upon filing a petition for an injunction under this section,  
5 the petitioner may obtain a temporary restraining order in  
6 accordance with Section 527, except to the extent this section  
7 provides a rule that is inconsistent. The temporary restraining order  
8 may include any of the restraining orders described in paragraph  
9 (6) of subdivision (b). A temporary restraining order may be issued  
10 with or without notice, based on a declaration that, to the  
11 satisfaction of the court, shows reasonable proof of harassment of  
12 the petitioner by the respondent, and that great or irreparable harm  
13 would result to the petitioner.

14 (e) A request for the issuance of a temporary restraining order  
15 without notice under this section shall be granted or denied on the  
16 same day that the petition is submitted to the court, unless the  
17 petition is filed too late in the day to permit effective review, in  
18 which case the order shall be granted or denied on the next day of  
19 judicial business in sufficient time for the order to be filed that day  
20 with the clerk of the court.

21 (f) A temporary restraining order issued under this section shall  
22 remain in effect, at the court’s discretion, for a period not to exceed  
23 21 days, or, if the court extends the time for hearing under  
24 subdivision (g), not to exceed 25 days, unless otherwise modified  
25 or terminated by the court.

26 (g) Within 21 days, or, if good cause appears to the court, 25  
27 days from the date that a petition for a temporary order is granted  
28 or denied, a hearing shall be held on the petition for the injunction.  
29 If no request for temporary orders is made, the hearing shall be  
30 held within 21 days, or, if good cause appears to the court, 25 days,  
31 from the date that the petition is filed.

32 (h) The respondent may file a response that explains, excuses,  
33 justifies, or denies the alleged harassment or may file a  
34 cross-petition under this section.

35 (i) At the hearing, the judge shall receive any testimony that is  
36 relevant, and may make an independent inquiry. If the judge finds  
37 by clear and convincing evidence that unlawful harassment exists,  
38 an injunction shall issue prohibiting the harassment.

39 (j) (1) In the discretion of the court, an order issued after notice  
40 and hearing under this section may have a duration of not more

1 than five years, subject to termination or modification by further  
2 order of the court either on written stipulation filed with the court  
3 or on the motion of a party. The order may be renewed, upon the  
4 request of a party, for a duration of not more than five additional  
5 years, without a showing of any further harassment since the  
6 issuance of the original order, subject to termination or  
7 modification by further order of the court either on written  
8 stipulation filed with the court or on the motion of a party. A  
9 request for renewal may be brought at any time within the three  
10 months before the expiration of the order.

11 (2) The failure to state the expiration date on the face of the  
12 form creates an order with a duration of three years from the date  
13 of issuance.

14 (3) If an action is filed for the purpose of terminating or  
15 modifying a protective order prior to the expiration date specified  
16 in the order by a party other than the protected party, the party  
17 who is protected by the order shall be given notice, pursuant to  
18 subdivision (b) of Section 1005, of the proceeding by personal  
19 service or, if the protected party has satisfied the requirements of  
20 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
21 Title 1 of the Government Code, by service on the Secretary of  
22 State. If the party who is protected by the order cannot be notified  
23 prior to the hearing for modification or termination of the protective  
24 order, the court shall deny the motion to modify or terminate the  
25 order without prejudice or continue the hearing until the party who  
26 is protected can be properly noticed and may, upon a showing of  
27 good cause, specify another method for service of process that is  
28 reasonably designed to afford actual notice to the protected party.  
29 The protected party may waive his or her right to notice if he or  
30 she is physically present in court and does not challenge the  
31 sufficiency of the notice.

32 (k) This section does not preclude either party from  
33 representation by private counsel or from appearing on the party's  
34 own behalf.

35 (l) In a proceeding under this section, if there are allegations of  
36 unlawful violence or credible threats of violence, a support person  
37 may accompany a party in court and, if the party is not represented  
38 by an attorney, may sit with the party at the table that is generally  
39 reserved for the party and the party's attorney. The support person  
40 is present to provide moral and emotional support for a person

1 who alleges he or she is a victim of violence. The support person  
2 is not present as a legal adviser and may not provide legal advice.  
3 The support person may assist the person who alleges he or she is  
4 a victim of violence in feeling more confident that he or she will  
5 not be injured or threatened by the other party during the  
6 proceedings if the person who alleges he or she is a victim of  
7 violence and the other party are required to be present in close  
8 proximity. This subdivision does not preclude the court from  
9 exercising its discretion to remove the support person from the  
10 courtroom if the court believes the support person is prompting,  
11 swaying, or influencing the party assisted by the support person.

12 (m) Upon the filing of a petition for an injunction under this  
13 section, the respondent shall be personally served with a copy of  
14 the petition, temporary restraining order, if any, and notice of  
15 hearing of the petition. Service shall be made at least five days  
16 before the hearing. The court may for good cause, on motion of  
17 the petitioner or on its own motion, shorten the time for service  
18 on the respondent.

19 (n) A notice of hearing under this section shall notify the  
20 respondent that if he or she does not attend the hearing, the court  
21 may make orders against him or her that could last up to five years.

22 (o) (1) Either party may request a continuance of the hearing,  
23 which the court shall grant on a showing of good cause. The request  
24 may be made in writing before or at the hearing or orally at the  
25 hearing. The court may also grant a continuance on its own motion.

26 (2) If the ~~court, in its discretion,~~ *court* grants a continuance, any  
27 temporary restraining order that has been granted shall remain in  
28 effect until the end of the continued hearing, unless otherwise  
29 ordered by the court. In granting a continuance, the court may  
30 modify or terminate a temporary restraining order.

31 (p) (1) If a respondent, named in a restraining order issued after  
32 a hearing, has not been served personally with the order but has  
33 received actual notice of the existence and substance of the order  
34 through personal appearance in court to hear the terms of the order  
35 from the court, no additional proof of service is required for  
36 enforcement of the order.

37 (2) If the respondent named in a temporary restraining order is  
38 personally served with the order and notice of hearing with respect  
39 to a restraining order or protective order based on the temporary  
40 restraining order, but the respondent does not appear at the hearing,

1 either personally or by an attorney, and the terms and conditions  
2 of the restraining order or protective order issued at the hearing  
3 are identical to the temporary restraining order, except for the  
4 duration of the order, then the restraining order or protective order  
5 issued at the hearing may be served on the respondent by first-class  
6 mail sent to the respondent at the most current address for the  
7 respondent available to the court.

8 (3) The Judicial Council form for temporary orders issued  
9 pursuant to this subdivision shall contain a statement in  
10 substantially the following form:

11  
12 “If you have been personally served with this temporary  
13 restraining order and notice of hearing, but you do not appear at  
14 the hearing either in person or by a lawyer, and a restraining order  
15 that is the same as this temporary restraining order except for the  
16 expiration date is issued at the hearing, a copy of the restraining  
17 order will be served on you by mail at the following address: \_\_\_\_.

18 If that address is not correct or you wish to verify that the  
19 temporary restraining order was converted to a restraining order  
20 at the hearing without substantive change and to find out the  
21 duration of that order, contact the clerk of the court.”

22  
23 (q) (1) Information on a temporary restraining order or  
24 injunction relating to civil harassment issued by a court pursuant  
25 to this section shall be transmitted to the Department of Justice in  
26 accordance with either paragraph (2) or (3).

27 (2) The court shall order the petitioner or the attorney for the  
28 petitioner to deliver a copy of an order issued under this section,  
29 or reissuance, extension, modification, or termination of the order,  
30 and any subsequent proof of service, by the close of the business  
31 day on which the order, reissuance, extension, modification, or  
32 termination was made, to a law enforcement agency having  
33 jurisdiction over the residence of the petitioner and to any  
34 additional law enforcement agencies within the court’s discretion  
35 as are requested by the petitioner.

36 (3) Alternatively, the court or its designee shall transmit, within  
37 one business day, to law enforcement personnel all information  
38 required under subdivision (b) of Section 6380 of the Family Code  
39 regarding any order issued under this section, or a reissuance,  
40 extension, modification, or termination of the order, and any

1 subsequent proof of service, by either one of the following  
2 methods:

3 (A) Transmitting a physical copy of the order or proof of service  
4 to a local law enforcement agency authorized by the Department  
5 of Justice to enter orders into the California Law Enforcement  
6 Telecommunications System (CLETS).

7 (B) With the approval of the Department of Justice, entering  
8 the order or proof of service into CLETS directly.

9 (4) Each appropriate law enforcement agency shall make  
10 available information as to the existence and current status of these  
11 orders to law enforcement officers responding to the scene of  
12 reported harassment.

13 (5) An order issued under this section shall, on request of the  
14 petitioner, be served on the respondent, whether or not the  
15 respondent has been taken into custody, by any law enforcement  
16 officer who is present at the scene of reported harassment involving  
17 the parties to the proceeding. The petitioner shall provide the  
18 officer with an endorsed copy of the order and a proof of service  
19 that the officer shall complete and send to the issuing court.

20 (6) Upon receiving information at the scene of an incident of  
21 harassment that a protective order has been issued under this  
22 section, or that a person who has been taken into custody is the  
23 subject of an order, if the protected person cannot produce a  
24 certified copy of the order, a law enforcement officer shall  
25 immediately attempt to verify the existence of the order.

26 (7) If the law enforcement officer determines that a protective  
27 order has been issued but not served, the officer shall immediately  
28 notify the respondent of the terms of the order and shall at that  
29 time also enforce the order. Verbal notice of the terms of the order  
30 shall constitute service of the order and is sufficient notice for the  
31 purposes of this section and for the purposes of Section 29825 of  
32 the Penal Code.

33 (r) The prevailing party in any action brought under this section  
34 may be awarded court costs and attorney's fees, if any.

35 (s) Any willful disobedience of any temporary restraining order  
36 or injunction granted under this section is punishable pursuant to  
37 Section 273.6 of the Penal Code.

38 (t) (1) A person subject to a protective order issued under this  
39 section shall not own, possess, purchase, receive, or attempt to

1 purchase or receive a firearm or ammunition while the protective  
2 order is in effect.

3 (2) The court shall order a person subject to a protective order  
4 issued under this section to relinquish any firearms he or she owns  
5 or possesses pursuant to Section 527.9.

6 (3) Every person who owns, possesses, purchases, or receives,  
7 or attempts to purchase or receive, a firearm or ammunition while  
8 the protective order is in effect is punishable pursuant to Section  
9 29825 of the Penal Code.

10 (u) This section does not apply to any action or proceeding  
11 covered by Title 1.6C (commencing with Section 1788) of Part 4  
12 of Division 3 of the Civil Code or by Division 10 (commencing  
13 with Section 6200) of the Family Code. This section does not  
14 preclude a petitioner from using other existing civil remedies.

15 (v) (1) The Judicial Council shall develop forms, instructions,  
16 and rules relating to matters governed by this section. The petition  
17 and response forms shall be simple and concise, and their use by  
18 parties in actions brought pursuant to this section shall be  
19 mandatory.

20 (2) A temporary restraining order or injunction relating to civil  
21 harassment issued by a court pursuant to this section shall be issued  
22 on forms adopted by the Judicial Council of California and that  
23 have been approved by the Department of Justice pursuant to  
24 subdivision (i) of Section 6380 of the Family Code. However, the  
25 fact that an order issued by a court pursuant to this section was not  
26 issued on forms adopted by the Judicial Council and approved by  
27 the Department of Justice shall not, in and of itself, make the order  
28 unenforceable.

29 (w) There is no filing fee for a petition that alleges that a person  
30 has inflicted or threatened violence against the petitioner, or stalked  
31 the petitioner, or acted or spoken in any other manner that has  
32 placed the petitioner in reasonable fear of violence, and that seeks  
33 a protective or restraining order or injunction restraining stalking  
34 or future violence or threats of violence, in any action brought  
35 pursuant to this section. No fee shall be paid for a subpoena filed  
36 in connection with a petition alleging these acts. No fee shall be  
37 paid for filing a response to a petition alleging these acts.

38 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
39 6103.2 of the Government Code, there shall be no fee for the  
40 service of process by a sheriff or marshal of a protective order,

1 restraining order, or injunction to be issued, if either of the  
2 following conditions applies:

3 (A) The protective order, restraining order, or injunction issued  
4 pursuant to this section is based upon stalking, as prohibited by  
5 Section 646.9 of the Penal Code.

6 (B) The protective order, restraining order, or injunction issued  
7 pursuant to this section is based upon unlawful violence or a  
8 credible threat of violence.

9 (2) The Judicial Council shall prepare and develop forms for  
10 persons who wish to avail themselves of the services described in  
11 this subdivision.

12 SEC. 2. Section 527.8 of the Code of Civil Procedure is  
13 amended to read:

14 527.8. (a) Any employer, whose employee has suffered  
15 unlawful violence or a credible threat of violence from any  
16 individual, that can reasonably be construed to be carried out or  
17 to have been carried out at the workplace, may seek a temporary  
18 restraining order and an injunction on behalf of the employee and,  
19 at the discretion of the court, any number of other employees at  
20 the workplace, and, if appropriate, other employees at other  
21 workplaces of the employer.

22 (b) For purposes of this section:

23 (1) "Course of conduct" is a pattern of conduct composed of a  
24 series of acts over a period of time, however short, evidencing a  
25 continuity of purpose, including following or stalking an employee  
26 to or from the place of work; entering the workplace; following  
27 an employee during hours of employment; making telephone calls  
28 to an employee; or sending correspondence to an employee by any  
29 means, including, but not limited to, the use of the public or private  
30 mails, interoffice mail, facsimile, or computer email.

31 (2) "Credible threat of violence" is a knowing and willful  
32 statement or course of conduct that would place a reasonable person  
33 in fear for his or her safety, or the safety of his or her immediate  
34 family, and that serves no legitimate purpose.

35 (3) "Employer" and "employee" mean persons defined in  
36 Section 350 of the Labor Code. "Employer" also includes a federal  
37 agency, the state, a state agency, a city, county, or district, and a  
38 private, public, or quasi-public corporation, or any public agency  
39 thereof or therein. "Employee" also includes the members of boards  
40 of directors of private, public, and quasi-public corporations and

1 elected and appointed public officers. For purposes of this section  
2 only, “employee” also includes a volunteer or independent  
3 contractor who performs services for the employer at the  
4 employer’s worksite.

5 (4) “Petitioner” means the employer that petitions under  
6 subdivision (a) for a temporary restraining order and injunction.

7 (5) “Respondent” means the person against whom the temporary  
8 restraining order and injunction are sought and, if the petition is  
9 granted, the restrained person.

10 (6) “Temporary restraining order” and “injunction” mean orders  
11 that include any of the following restraining orders, whether issued  
12 ex parte or after notice and hearing:

13 (A) An order enjoining a party from harassing, intimidating,  
14 molesting, attacking, striking, stalking, threatening, sexually  
15 assaulting, battering, abusing, telephoning, including, but not  
16 limited to, making annoying telephone calls as described in Section  
17 653m of the Penal Code, destroying personal property, contacting,  
18 either directly or indirectly, by mail or otherwise, or coming within  
19 a specified distance of, or disturbing the peace of, the employee.

20 (B) An order enjoining a party from specified behavior that the  
21 court determines is necessary to effectuate orders described in  
22 subparagraph (A).

23 (7) “Unlawful violence” is any assault or battery, or stalking as  
24 prohibited in Section 646.9 of the Penal Code, but shall not include  
25 lawful acts of self-defense or defense of others.

26 (c) This section does not permit a court to issue a temporary  
27 restraining order or injunction prohibiting speech or other activities  
28 that are constitutionally protected, or otherwise protected by  
29 Section 527.3 or any other provision of law.

30 (d) In the discretion of the court, on a showing of good cause,  
31 a temporary restraining order or injunction issued under this section  
32 may include other named family or household members, or other  
33 persons employed at the employee’s workplace or workplaces.

34 (e) Upon filing a petition for an injunction under this section,  
35 the petitioner may obtain a temporary restraining order in  
36 accordance with subdivision (a) of Section 527, if the petitioner  
37 also files a declaration that, to the satisfaction of the court, shows  
38 reasonable proof that an employee has suffered unlawful violence  
39 or a credible threat of violence by the respondent, and that great  
40 or irreparable harm would result to an employee. The temporary

1 restraining order may include any of the protective orders described  
2 in paragraph (6) of subdivision (b).

3 (f) A request for the issuance of a temporary restraining order  
4 without notice under this section shall be granted or denied on the  
5 same day that the petition is submitted to the court, unless the  
6 petition is filed too late in the day to permit effective review, in  
7 which case the order shall be granted or denied on the next day of  
8 judicial business in sufficient time for the order to be filed that day  
9 with the clerk of the court.

10 (g) A temporary restraining order granted under this section  
11 shall remain in effect, at the court's discretion, for a period not to  
12 exceed 21 days, or if the court extends the time for hearing under  
13 subdivision (h), not to exceed 25 days, unless otherwise modified  
14 or terminated by the court.

15 (h) Within 21 days, or if good cause appears to the court, 25  
16 days from the date that a petition for a temporary order is granted  
17 or denied, a hearing shall be held on the petition for the injunction.  
18 If no request for temporary orders is made, the hearing shall be  
19 held within 21 days, or, if good cause appears to the court, 25 days,  
20 from the date that the petition is filed.

21 (i) The respondent may file a response that explains, excuses,  
22 justifies, or denies the alleged unlawful violence or credible threats  
23 of violence.

24 (j) At the hearing, the judge shall receive any testimony that is  
25 relevant and may make an independent inquiry. Moreover, if the  
26 respondent is a current employee of the entity requesting the  
27 injunction, the judge shall receive evidence concerning the  
28 employer's decision to retain, terminate, or otherwise discipline  
29 the respondent. If the judge finds by clear and convincing evidence  
30 that the respondent engaged in unlawful violence or made a  
31 credible threat of violence, an injunction shall issue prohibiting  
32 further unlawful violence or threats of violence.

33 (k) (1) In the discretion of the court, an order issued after notice  
34 and hearing under this section may have a duration of not more  
35 than three years, subject to termination or modification by further  
36 order of the court either on written stipulation filed with the court  
37 or on the motion of a party. These orders may be renewed, upon  
38 the request of a party, for a duration of not more than three years,  
39 without a showing of any further violence or threats of violence  
40 since the issuance of the original order, subject to termination or

1 modification by further order of the court either on written  
2 stipulation filed with the court or on the motion of a party. The  
3 request for renewal may be brought at any time within the three  
4 months before the expiration of the order.

5 (2) The failure to state the expiration date on the face of the  
6 form creates an order with a duration of three years from the date  
7 of issuance.

8 (3) If an action is filed for the purpose of terminating or  
9 modifying a protective order prior to the expiration date specified  
10 in the order by a party other than the protected party, the party  
11 who is protected by the order shall be given notice, pursuant to  
12 subdivision (b) of Section 1005, of the proceeding by personal  
13 service or, if the protected party has satisfied the requirements of  
14 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
15 Title 1 of the Government Code, by service on the Secretary of  
16 State. If the party who is protected by the order cannot be notified  
17 prior to the hearing for modification or termination of the protective  
18 order, the court shall deny the motion to modify or terminate the  
19 order without prejudice or continue the hearing until the party who  
20 is protected can be properly noticed and may, upon a showing of  
21 good cause, specify another method for service of process that is  
22 reasonably designed to afford actual notice to the protected party.  
23 The protected party may waive his or her right to notice if he or  
24 she is physically present in court and does not challenge the  
25 sufficiency of the notice.

26 (l) This section does not preclude either party from  
27 representation by private counsel or from appearing on his or her  
28 own behalf.

29 (m) Upon filing of a petition for an injunction under this section,  
30 the respondent shall be personally served with a copy of the  
31 petition, temporary restraining order, if any, and notice of hearing  
32 of the petition. Service shall be made at least five days before the  
33 hearing. The court may, for good cause, on motion of the petitioner  
34 or on its own motion, shorten the time for service on the  
35 respondent.

36 (n) A notice of hearing under this section shall notify the  
37 respondent that, if he or she does not attend the hearing, the court  
38 may make orders against him or her that could last up to three  
39 years.

1 (o) (1) Either party may request a continuance of the hearing,  
2 which the court shall grant on a showing of good cause. The request  
3 may be made in writing before or at the hearing or orally at the  
4 hearing. The court may also grant a continuance on its own motion.

5 (2) ~~If the court, in its discretion,~~ *court* grants a continuance, any  
6 temporary restraining order that has been granted shall remain in  
7 effect until the end of the continued hearing, unless otherwise  
8 ordered by the court. In granting a continuance, the court may  
9 modify or terminate a temporary restraining order.

10 (p) (1) If a respondent, named in a restraining order issued  
11 under this section after a hearing, has not been served personally  
12 with the order but has received actual notice of the existence and  
13 substance of the order through personal appearance in court to  
14 hear the terms of the order from the court, no additional proof of  
15 service is required for enforcement of the order.

16 (2) If the respondent named in a temporary restraining order is  
17 personally served with the order and notice of hearing with respect  
18 to a restraining order or protective order based on the temporary  
19 restraining order, but the person does not appear at the hearing,  
20 either personally or by an attorney, and the terms and conditions  
21 of the restraining order or protective order issued at the hearing  
22 are identical to the temporary restraining order, except for the  
23 duration of the order, then the restraining order or protective order  
24 issued at the hearing may be served on the person by first-class  
25 mail sent to that person at the most current address for the person  
26 available to the court.

27 (3) The Judicial Council form for temporary orders issued  
28 pursuant to this subdivision shall contain a statement in  
29 substantially the following form:  
30

31 “If you have been personally served with this temporary  
32 restraining order and notice of hearing, but you do not appear at  
33 the hearing either in person or by a lawyer, and a restraining order  
34 that is the same as this restraining order except for the expiration  
35 date is issued at the hearing, a copy of the order will be served on  
36 you by mail at the following address: \_\_\_\_\_.

37 If that address is not correct or you wish to verify that the  
38 temporary restraining order was converted to a restraining order  
39 at the hearing without substantive change and to find out the  
40 duration of that order, contact the clerk of the court.”

1  
2 (q) (1) Information on a temporary restraining order or  
3 injunction relating to workplace violence issued by a court pursuant  
4 to this section shall be transmitted to the Department of Justice in  
5 accordance with either paragraph (2) or (3).

6 (2) The court shall order the petitioner or the attorney for the  
7 petitioner to deliver a copy of any order issued under this section,  
8 or a reissuance, extension, modification, or termination of the  
9 order, and any subsequent proof of service, by the close of the  
10 business day on which the order, reissuance, extension,  
11 modification, or termination was made, to each law enforcement  
12 agency having jurisdiction over the residence of the petitioner and  
13 to any additional law enforcement agencies within the court's  
14 discretion as are requested by the petitioner.

15 (3) Alternatively, the court or its designee shall transmit, within  
16 one business day, to law enforcement personnel all information  
17 required under subdivision (b) of Section 6380 of the Family Code  
18 regarding any order issued under this section, or a reissuance,  
19 extension, modification, or termination of the order, and any  
20 subsequent proof of service, by either one of the following  
21 methods:

22 (A) Transmitting a physical copy of the order or proof of service  
23 to a local law enforcement agency authorized by the Department  
24 of Justice to enter orders into the California Law Enforcement  
25 Telecommunications System (CLETS).

26 (B) With the approval of the Department of Justice, entering  
27 the order or proof of service into CLETS directly.

28 (4) Each appropriate law enforcement agency shall make  
29 available information as to the existence and current status of these  
30 orders to law enforcement officers responding to the scene of  
31 reported unlawful violence or a credible threat of violence.

32 (5) At the request of the petitioner, an order issued under this  
33 section shall be served on the respondent, regardless of whether  
34 the respondent has been taken into custody, by any law  
35 enforcement officer who is present at the scene of reported  
36 unlawful violence or a credible threat of violence involving the  
37 parties to the proceedings. The petitioner shall provide the officer  
38 with an endorsed copy of the order and proof of service that the  
39 officer shall complete and send to the issuing court.

1 (6) Upon receiving information at the scene of an incident of  
2 unlawful violence or a credible threat of violence that a protective  
3 order has been issued under this section, or that a person who has  
4 been taken into custody is the subject of an order, if the petitioner  
5 or the protected person cannot produce an endorsed copy of the  
6 order, a law enforcement officer shall immediately attempt to  
7 verify the existence of the order.

8 (7) If the law enforcement officer determines that a protective  
9 order has been issued but not served, the officer shall immediately  
10 notify the respondent of the terms of the order and obtain the  
11 respondent's address. The law enforcement officer shall at that  
12 time also enforce the order, but may not arrest or take the  
13 respondent into custody for acts in violation of the order that were  
14 committed prior to the verbal notice of the terms and conditions  
15 of the order. The law enforcement officer's verbal notice of the  
16 terms of the order shall constitute service of the order and  
17 constitutes sufficient notice for the purposes of this section and  
18 for the purposes of Section 29825 of the Penal Code. The petitioner  
19 shall mail an endorsed copy of the order to the respondent's mailing  
20 address provided to the law enforcement officer within one  
21 business day of the reported incident of unlawful violence or a  
22 credible threat of violence at which a verbal notice of the terms of  
23 the order was provided by a law enforcement officer.

24 (r) (1) A person subject to a protective order issued under this  
25 section shall not own, possess, purchase, receive, or attempt to  
26 purchase or receive a firearm or ammunition while the protective  
27 order is in effect.

28 (2) The court shall order a person subject to a protective order  
29 issued under this section to relinquish any firearms he or she owns  
30 or possesses pursuant to Section 527.9.

31 (3) Every person who owns, possesses, purchases or receives,  
32 or attempts to purchase or receive a firearm or ammunition while  
33 the protective order is in effect is punishable pursuant to Section  
34 29825 of the Penal Code.

35 (s) Any intentional disobedience of any temporary restraining  
36 order or injunction granted under this section is punishable pursuant  
37 to Section 273.6 of the Penal Code.

38 (t) This section shall not be construed as expanding, diminishing,  
39 altering, or modifying the duty, if any, of an employer to provide  
40 a safe workplace for employees and other persons.

1 (u) (1) The Judicial Council shall develop forms, instructions,  
2 and rules for relating to matters governed by this section. The  
3 forms for the petition and response shall be simple and concise,  
4 and their use by parties in actions brought pursuant to this section  
5 shall be mandatory.

6 (2) A temporary restraining order or injunction relating to  
7 unlawful violence or a credible threat of violence issued by a court  
8 pursuant to this section shall be issued on forms adopted by the  
9 Judicial Council of California and that have been approved by the  
10 Department of Justice pursuant to subdivision (i) of Section 6380  
11 of the Family Code. However, the fact that an order issued by a  
12 court pursuant to this section was not issued on forms adopted by  
13 the Judicial Council and approved by the Department of Justice  
14 shall not, in and of itself, make the order unenforceable.

15 (v) There is no filing fee for a petition that alleges that a person  
16 has inflicted or threatened violence against an employee of the  
17 petitioner, or stalked the employee, or acted or spoken in any other  
18 manner that has placed the employee in reasonable fear of violence,  
19 and that seeks a protective or restraining order or injunction  
20 restraining stalking or future violence or threats of violence, in  
21 any action brought pursuant to this section. No fee shall be paid  
22 for a subpoena filed in connection with a petition alleging these  
23 acts. No fee shall be paid for filing a response to a petition alleging  
24 these acts.

25 (w) (1) Subject to paragraph (4) of subdivision (b) of Section  
26 6103.2 of the Government Code, there shall be no fee for the  
27 service of process by a sheriff or marshal of a temporary restraining  
28 order or injunction to be issued pursuant to this section if either  
29 of the following conditions applies:

30 (A) The temporary restraining order or injunction issued  
31 pursuant to this section is based upon stalking, as prohibited by  
32 Section 646.9 of the Penal Code.

33 (B) The temporary restraining order or injunction issued  
34 pursuant to this section is based on unlawful violence or a credible  
35 threat of violence.

36 (2) The Judicial Council shall prepare and develop forms for  
37 persons who wish to avail themselves of the services described in  
38 this subdivision.

39 SEC. 3. Section 527.85 of the Code of Civil Procedure is  
40 amended to read:

1 527.85. (a) Any chief administrative officer of a postsecondary  
2 educational institution, or an officer or employee designated by  
3 the chief administrative officer to maintain order on the school  
4 campus or facility, a student of which has suffered a credible threat  
5 of violence made off the school campus or facility from any  
6 individual which can reasonably be construed to be carried out or  
7 to have been carried out at the school campus or facility, may, with  
8 the written consent of the student, seek a temporary restraining  
9 order and an injunction on behalf of the student and, at the  
10 discretion of the court, any number of other students at the campus  
11 or facility who are similarly situated.

12 (b) For purposes of this section, the following definitions apply:

13 (1) “Chief administrative officer” means the principal, president,  
14 or highest ranking official of the postsecondary educational  
15 institution.

16 (2) “Course of conduct” means a pattern of conduct composed  
17 of a series of acts over a period of time, however short, evidencing  
18 a continuity of purpose, including any of the following:

19 (A) Following or stalking a student to or from school.

20 (B) Entering the school campus or facility.

21 (C) Following a student during school hours.

22 (D) Making telephone calls to a student.

23 (E) Sending correspondence to a student by any means,  
24 including, but not limited to, the use of the public or private mails,  
25 interoffice mail, facsimile, or computer email.

26 (3) “Credible threat of violence” means a knowing and willful  
27 statement or course of conduct that would place a reasonable person  
28 in fear for his or her safety, or the safety of his or her immediate  
29 family, and that serves no legitimate purpose.

30 (4) “Petitioner” means the chief administrative officer, or his  
31 or her designee, who petitions under subdivision (a) for a temporary  
32 restraining order and injunction.

33 (5) “Postsecondary educational institution” means a private  
34 institution of vocational, professional, or postsecondary education.

35 (6) “Respondent” means the person against whom the temporary  
36 restraining order and injunction are sought and, if the petition is  
37 granted, the restrained person.

38 (7) “Student” means an adult currently enrolled in or applying  
39 for admission to a postsecondary educational institution.

1 (8) “Temporary restraining order” and “injunction” mean orders  
2 that include any of the following restraining orders, whether issued  
3 ex parte, or after notice and hearing:

4 (A) An order enjoining a party from harassing, intimidating,  
5 molesting, attacking, striking, stalking, threatening, sexually  
6 assaulting, battering, abusing, telephoning, including, but not  
7 limited to, making annoying telephone calls as described in Section  
8 653m of the Penal Code, destroying personal property, contacting,  
9 either directly or indirectly, by mail or otherwise, or coming within  
10 a specified distance of, or disturbing the peace of, the student.

11 (B) An order enjoining a party from specified behavior that the  
12 court determines is necessary to effectuate orders described in  
13 subparagraph (A).

14 (9) “Unlawful violence” means any assault or battery, or stalking  
15 as prohibited in Section 646.9 of the Penal Code, but shall not  
16 include lawful acts of self-defense or defense of others.

17 (c) This section does not permit a court to issue a temporary  
18 restraining order or injunction prohibiting speech or other activities  
19 that are constitutionally protected, or otherwise protected by  
20 Section 527.3 or any other provision of law.

21 (d) In the discretion of the court, on a showing of good cause,  
22 a temporary restraining order or injunction issued under this section  
23 may include other named family or household members of the  
24 student, or other students at the campus or facility.

25 (e) Upon filing a petition for an injunction under this section,  
26 the petitioner may obtain a temporary restraining order in  
27 accordance with subdivision (a) of Section 527, if the petitioner  
28 also files a declaration that, to the satisfaction of the court, shows  
29 reasonable proof that a student has suffered a credible threat of  
30 violence made off the school campus or facility by the respondent,  
31 and that great or irreparable harm would result to the student. The  
32 temporary restraining order may include any of the protective  
33 orders described in paragraph (8) of subdivision (b).

34 (f) A request for the issuance of a temporary restraining order  
35 without notice under this section shall be granted or denied on the  
36 same day that the petition is submitted to the court, unless the  
37 petition is filed too late in the day to permit effective review, in  
38 which case the order shall be granted or denied on the next day of  
39 judicial business in sufficient time for the order to be filed that day  
40 with the clerk of the court.

1 (g) A temporary restraining order granted under this section  
2 shall remain in effect, at the court's discretion, for a period not to  
3 exceed 21 days, or if the court extends the time for hearing under  
4 subdivision (h), not to exceed 25 days, unless otherwise modified  
5 or terminated by the court.

6 (h) Within 21 days, or if good cause appears to the court, within  
7 25 days, from the date that a petition for a temporary order is  
8 granted or denied, a hearing shall be held on the petition for the  
9 injunction. If no request for temporary orders is made, the hearing  
10 shall be held within 21 days, or if good cause appears to the court,  
11 25 days, from the date the petition is filed.

12 (i) The respondent may file a response that explains, excuses,  
13 justifies, or denies the alleged credible threats of violence.

14 (j) At the hearing, the judge shall receive any testimony that is  
15 relevant and may make an independent inquiry. Moreover, if the  
16 respondent is a current student of the entity requesting the  
17 injunction, the judge shall receive evidence concerning the decision  
18 of the postsecondary educational institution decision to retain,  
19 terminate, or otherwise discipline the respondent. If the judge finds  
20 by clear and convincing evidence that the respondent made a  
21 credible threat of violence off the school campus or facility, an  
22 injunction shall be issued prohibiting further threats of violence.

23 (k) (1) In the discretion of the court, an order issued after notice  
24 and hearing under this section may have a duration of not more  
25 than three years, subject to termination or modification by further  
26 order of the court either on written stipulation filed with the court  
27 or on the motion of a party. These orders may be renewed, upon  
28 the request of a party, for a duration of not more than three years,  
29 without a showing of any further violence or threats of violence  
30 since the issuance of the original order, subject to termination or  
31 modification by further order of the court either on written  
32 stipulation filed with the court or on the motion of a party. The  
33 request for renewal may be brought at any time within the three  
34 months before the expiration of the order.

35 (2) The failure to state the expiration date on the face of the  
36 form creates an order with a duration of three years from the date  
37 of issuance.

38 (3) If an action is filed for the purpose of terminating or  
39 modifying a protective order prior to the expiration date specified  
40 in the order by a party other than the protected party, the party

1 who is protected by the order shall be given notice, pursuant to  
2 subdivision (b) of Section 1005, of the proceeding by personal  
3 service or, if the protected party has satisfied the requirements of  
4 Chapter 3.1 (commencing with Section 6205) of Division 7 of  
5 Title 1 of the Government Code, by service on the Secretary of  
6 State. If the party who is protected by the order cannot be notified  
7 prior to the hearing for modification or termination of the protective  
8 order, the court shall deny the motion to modify or terminate the  
9 order without prejudice or continue the hearing until the party who  
10 is protected can be properly noticed and may, upon a showing of  
11 good cause, specify another method for service of process that is  
12 reasonably designed to afford actual notice to the protected party.  
13 The protected party may waive his or her right to notice if he or  
14 she is physically present in court and does not challenge the  
15 sufficiency of the notice.

16 (l) This section does not preclude either party from  
17 representation by private counsel or from appearing on his or her  
18 own behalf.

19 (m) Upon filing of a petition for an injunction under this section,  
20 the respondent shall be personally served with a copy of the  
21 petition, temporary restraining order, if any, and notice of hearing  
22 of the petition. Service shall be made at least five days before the  
23 hearing. The court may, for good cause, on motion of the petitioner  
24 or on its own motion, shorten the time for service on the  
25 respondent.

26 (n) A notice of hearing under this section shall notify the  
27 respondent that if he or she does not attend the hearing, the court  
28 may make orders against him or her that could last up to three  
29 years.

30 (o) (1) Either party may request a continuance of the hearing,  
31 which the court shall grant on a showing of good cause. The request  
32 may be made in writing before or at the hearing or orally at the  
33 hearing. The court may also grant a continuance on its own motion.

34 (2) If the ~~court, in its discretion,~~ *court* grants a continuance, any  
35 temporary restraining order that has been granted shall remain in  
36 effect until the end of the continued hearing, unless otherwise  
37 ordered by the court. In granting a continuance, the court may  
38 modify or terminate a temporary restraining order.

39 (p) (1) If a respondent, named in an order issued under this  
40 section after a hearing, has not been served personally with the

1 order but has received actual notice of the existence and substance  
2 of the order through personal appearance in court to hear the terms  
3 of the order from the court, no additional proof of service is  
4 required for enforcement of the order.

5 (2) If the respondent named in a temporary restraining order is  
6 personally served with the order and notice of hearing with respect  
7 to a restraining order or protective order based on the temporary  
8 restraining order, but the respondent does not appear at the hearing,  
9 either personally or by an attorney, and the terms and conditions  
10 of the restraining order or protective order issued at the hearing  
11 are identical to the temporary restraining order, except for the  
12 duration of the order, then the restraining order or protective order  
13 issued at the hearing may be served on the respondent by first-class  
14 mail sent to that person at the most current address for the  
15 respondent available to the court.

16 (3) The Judicial Council form for temporary orders issued  
17 pursuant to this subdivision shall contain a statement in  
18 substantially the following form:

19  
20 “If you have been personally served with a temporary restraining  
21 order and notice of hearing, but you do not appear at the hearing  
22 either in person or by a lawyer, and a restraining order that is the  
23 same as this temporary restraining order except for the expiration  
24 date is issued at the hearing, a copy of the order will be served on  
25 you by mail at the following address:\_\_\_\_\_.

26 If that address is not correct or you wish to verify that the  
27 temporary restraining order was converted to a restraining order  
28 at the hearing without substantive change and to find out the  
29 duration of that order, contact the clerk of the court.”

30  
31 (q) (1) Information on a temporary restraining order or  
32 injunction relating to schoolsite violence issued by a court pursuant  
33 to this section shall be transmitted to the Department of Justice in  
34 accordance with either paragraph (2) or (3).

35 (2) The court shall order the petitioner or the attorney for the  
36 petitioner to deliver a copy of any order issued under this section,  
37 or a reissuance, extension, modification, or termination of the  
38 order, and any subsequent proof of service, by the close of the  
39 business day on which the order, reissuance, or termination of the  
40 order, and any proof of service, was made, to each law enforcement

1 agency having jurisdiction over the residence of the petition and  
2 to any additional law enforcement agencies within the court's  
3 discretion as are requested by the petitioner.

4 (3) Alternatively, the court or its designee shall transmit, within  
5 one business day, to law enforcement personnel all information  
6 required under subdivision (b) of Section 6380 of the Family Code  
7 regarding any order issued under this section, or a reissuance,  
8 extension, modification, or termination of the order, and any  
9 subsequent proof of service, by either one of the following  
10 methods:

11 (A) Transmitting a physical copy of the order or proof of service  
12 to a local law enforcement agency authorized by the Department  
13 of Justice to enter orders into the California Law Enforcement  
14 Telecommunications System (CLETS).

15 (B) With the approval of the Department of Justice, entering  
16 the order of proof of service into CLETS directly.

17 (4) Each appropriate law enforcement agency shall make  
18 available information as to the existence and current status of these  
19 orders to law enforcement officers responding to the scene of  
20 reported unlawful violence or a credible threat of violence.

21 (5) At the request of the petitioner, an order issued under this  
22 section shall be served on the respondent, regardless of whether  
23 the respondent has been taken into custody, by any law  
24 enforcement officer who is present at the scene of reported  
25 unlawful violence or a credible threat of violence involving the  
26 parties to the proceedings. The petitioner shall provide the officer  
27 with an endorsed copy of the order and proof of service that the  
28 officer shall complete and send to the issuing court.

29 (6) Upon receiving information at the scene of an incident of  
30 unlawful violence or a credible threat of violence that a protective  
31 order has been issued under this section, or that a person who has  
32 been taken into custody is the subject of an order, if the petitioner  
33 or the protected person cannot produce an endorsed copy of the  
34 order, a law enforcement officer shall immediately attempt to  
35 verify the existence of the order.

36 (7) If the law enforcement officer determines that a protective  
37 order has been issued but not served, the officer shall immediately  
38 notify the respondent of the terms of the order and obtain the  
39 respondent's address. The law enforcement officer shall at that  
40 time also enforce the order, but may not arrest or take the

1 respondent into custody for acts in violation of the order that were  
2 committed prior to the verbal notice of the terms and conditions  
3 of the order. The law enforcement officer's verbal notice of the  
4 terms of the order shall constitute service of the order and  
5 constitutes sufficient notice for the purposes of this section, and  
6 Section 29825 of the Penal Code. The petitioner shall mail an  
7 endorsed copy of the order to the respondent's mailing address  
8 provided to the law enforcement officer within one business day  
9 of the reported incident of unlawful violence or a credible threat  
10 of violence at which a verbal notice of the terms of the order was  
11 provided by a law enforcement officer.

12 (r) (1) A person subject to a protective order issued under this  
13 section shall not own, possess, purchase, receive, or attempt to  
14 purchase or receive a firearm or ammunition while the protective  
15 order is in effect.

16 (2) The court shall order a person subject to a protective order  
17 issued under this section to relinquish any firearms he or she owns  
18 or possesses pursuant to Section 527.9.

19 (3) Every person who owns, possesses, purchases, or receives,  
20 or attempts to purchase or receive a firearm or ammunition while  
21 the protective order is in effect is punishable pursuant to Section  
22 29825 of the Penal Code.

23 (s) Any intentional disobedience of any temporary restraining  
24 order or injunction granted under this section is punishable pursuant  
25 to Section 273.6 of the Penal Code.

26 (t) This section shall not be construed as expanding, diminishing,  
27 altering, or modifying the duty, if any, of a postsecondary  
28 educational institution to provide a safe environment for students  
29 and other persons.

30 (u) (1) The Judicial Council shall develop forms, instructions,  
31 and rules relating to matters governed by this section. The forms  
32 for the petition and response shall be simple and concise, and their  
33 use by parties in actions brought pursuant to this section shall be  
34 mandatory.

35 (2) A temporary restraining order or injunction relating to  
36 unlawful violence or a credible threat of violence issued by a court  
37 pursuant to this section shall be issued on forms adopted by the  
38 Judicial Council that have been approved by the Department of  
39 Justice pursuant to subdivision (i) of Section 6380 of the Family  
40 Code. However, the fact that an order issued by a court pursuant

1 to this section was not issued on forms adopted by the Judicial  
2 Council and approved by the Department of Justice shall not, in  
3 and of itself, make the order unenforceable.

4 (v) There is no filing fee for a petition that alleges that a person  
5 has threatened violence against a student of the petitioner, or  
6 stalked the student, or acted or spoken in any other manner that  
7 has placed the student in reasonable fear of violence, and that seeks  
8 a protective or restraining order or injunction restraining stalking  
9 or future threats of violence, in any action brought pursuant to this  
10 section. No fee shall be paid for a subpoena filed in connection  
11 with a petition alleging these acts. No fee shall be paid for filing  
12 a response to a petition alleging these acts.

13 (w) (1) Subject to paragraph (4) of subdivision (b) of Section  
14 6103.2 of the Government Code, there shall be no fee for the  
15 service of process by a sheriff or marshal of a temporary restraining  
16 order or injunction to be issued pursuant to this section if either  
17 of the following conditions applies:

18 (A) The temporary restraining order or injunction issued  
19 pursuant to this section is based upon stalking, as prohibited by  
20 Section 646.9 of the Penal Code.

21 (B) The temporary restraining order or injunction issued  
22 pursuant to this section is based upon a credible threat of violence.

23 (2) The Judicial Council shall prepare and develop forms for  
24 persons who wish to avail themselves of the services described in  
25 this subdivision.

26 *SEC. 4. Section 242 of the Family Code is amended to read:*

27 242. (a) Within 21 days, or, if good cause appears to the court,  
28 25 days from the date that a temporary *restraining* order is granted  
29 or denied, a hearing shall be held on the petition. If no request for  
30 a temporary ~~orders~~ *restraining order* is made, the hearing shall be  
31 held within 21 days, or, if good cause appears to the court, 25 days  
32 from the date that the petition is filed.

33 (b) If a hearing is not held within the time provided in  
34 subdivision (a), the court may nonetheless hear the matter, but the  
35 *temporary restraining order is unenforceable shall no longer be*  
36 *enforceable unless reissued it is extended* under Section 245.

37 *SEC. 5. Section 243 of the Family Code is amended to read:*

38 243. (a) When the matter first comes up for hearing, the  
39 petitioner must be ready to proceed.

1 (b) If a petition under this part has been filed, the respondent  
2 shall be personally served with a copy of the petition, the temporary  
3 *restraining* order, if any, and the notice of hearing on the petition.  
4 Service shall be made at least five days before the hearing.

5 ~~(e) If the petitioner fails to comply with subdivision (a) or~~  
6 ~~subdivision (b), the court shall dissolve the order.~~

7 ~~(d)~~

8 (c) If service is made under subdivision (b), the respondent may  
9 file a response that explains or denies the allegations in the petition.  
10 The respondent is entitled, as a matter of course, to one continuance  
11 for a reasonable period, to respond to the petition for orders.

12 ~~(e)~~

13 (d) On motion of the petitioner or on its own motion, the court  
14 may shorten the time provided in this section for service on the  
15 respondent.

16 ~~(f) If the response is served on the petitioner at least two days~~  
17 ~~before the hearing, the petitioner is not entitled to a continuance~~  
18 ~~on account of the response.~~

19 *SEC. 6. Section 245 of the Family Code is amended to read:*

20 245. (a) ~~The court may, upon the filing of a declaration by the~~  
21 ~~petitioner that the respondent could not be served within the time~~  
22 ~~required by statute, reissue an order previously issued and dissolved~~  
23 ~~by the court for failure to serve the respondent. The reissued order~~  
24 ~~shall remain in effect until the date set for hearing. The respondent~~  
25 ~~is entitled, as a matter of course, to one continuance, for a~~  
26 ~~reasonable period, to respond to the petition.~~

27 (b) *Either party may request a continuance of the hearing, which*  
28 *the court shall grant on a showing of good cause. The request may*  
29 *be made in writing before or at the hearing or orally at the hearing.*  
30 *The court may also grant a continuance on its own motion.*

31 (c) *If the court grants a continuance, any temporary restraining*  
32 *order that has been issued shall remain in effect until the end of*  
33 *the continued hearing, unless otherwise ordered by the court. In*  
34 *granting a continuance, the court may modify or terminate a*  
35 *temporary restraining order.*

36 ~~(e) The reissued~~

37 (d) *If the court grants a continuance, the extended temporary*  
38 *restraining order shall state on its face the new date of expiration*  
39 *of the order.*

1 (e) ~~No~~A fee shall *not* be charged for the ~~reissuance extension~~  
2 of the ~~order unless the order had been dissolved three times~~  
3 ~~previously~~: *temporary restraining order*.

4 SEC. 7. *Section 213.5 of the Welfare and Institutions Code is*  
5 *amended to read:*

6 213.5. (a) After a petition has been filed pursuant to Section  
7 311 to declare a child a dependent child of the juvenile court, and  
8 until the time that the petition is dismissed or dependency is  
9 terminated, upon application in the manner provided by Section  
10 527 of the Code of Civil Procedure or in the manner provided by  
11 Section 6300 of the Family Code, if related to domestic violence,  
12 the juvenile court has exclusive jurisdiction to issue ex parte orders  
13 (1) enjoining any person from molesting, attacking, striking,  
14 stalking, threatening, sexually assaulting, battering, harassing,  
15 telephoning, including, but not limited to, making annoying  
16 telephone calls as described in Section 653m of the Penal Code,  
17 destroying the personal property, contacting, either directly or  
18 indirectly, by mail or otherwise, coming within a specified distance  
19 of, or disturbing the peace of the child or any other child in the  
20 household; and (2) excluding any person from the dwelling of the  
21 person who has care, custody, and control of the child. A court  
22 may also issue an ex parte order enjoining any person from  
23 molesting, attacking, striking, stalking, threatening, sexually  
24 assaulting, battering, harassing, telephoning, including, but not  
25 limited to, making annoying telephone calls as described in Section  
26 653m of the Penal Code, destroying the personal property,  
27 contacting, either directly or indirectly, by mail or otherwise,  
28 coming within a specified distance of, or disturbing the peace of  
29 any parent, legal guardian, or current caretaker of the child,  
30 regardless of whether the child resides with that parent, legal  
31 guardian, or current caretaker, upon application in the manner  
32 provided by Section 527 of the Code of Civil Procedure or, if  
33 related to domestic violence, in the manner provided by Section  
34 6300 of the Family Code. A court may also issue an ex parte order  
35 enjoining any person from molesting, attacking, striking, stalking,  
36 threatening, sexually assaulting, battering, harassing, telephoning,  
37 including, but not limited to, making annoying telephone calls as  
38 described in Section 653m of the Penal Code, destroying the  
39 personal property, contacting, either directly or indirectly, by mail  
40 or otherwise, coming within a specified distance of, or disturbing

1 the peace of the child's current or former social worker or court  
2 appointed special advocate, upon application in the manner  
3 provided by Section 527 of the Code of Civil Procedure.

4 (b) After a petition has been filed pursuant to Section 601 or  
5 602 to declare a child a ward of the juvenile court, and until the  
6 time that the petition is dismissed or wardship is terminated, upon  
7 application in the manner provided by Section 527 of the Code of  
8 Civil Procedure or, if related to domestic violence, in the manner  
9 provided by Section 6300 of the Family Code, the juvenile court  
10 may issue ex parte orders (1) enjoining any person from molesting,  
11 attacking, striking, stalking, threatening, sexually assaulting,  
12 battering, harassing, telephoning, including, but not limited to,  
13 making annoying telephone calls as described in Section 653m of  
14 the Penal Code, destroying the personal property, contacting, either  
15 directly or indirectly, by mail or otherwise, coming within a  
16 specified distance of, or disturbing the peace of the child or any  
17 other child in the household; (2) excluding any person from the  
18 dwelling of the person who has care, custody, and control of the  
19 child; or (3) enjoining the child from contacting, threatening,  
20 stalking, or disturbing the peace of any person the court finds to  
21 be at risk from the conduct of the child, or with whom association  
22 would be detrimental to the child. A court may also issue an ex  
23 parte order enjoining any person from molesting, attacking,  
24 striking, stalking, threatening, sexually assaulting, battering,  
25 harassing, telephoning, including, but not limited to, making  
26 annoying telephone calls as described in Section 653m of the Penal  
27 Code, destroying the personal property, contacting, either directly  
28 or indirectly, by mail or otherwise, coming within a specified  
29 distance of, or disturbing the peace of any parent, legal guardian,  
30 or current caretaker of the child, regardless of whether the child  
31 resides with that parent, legal guardian, or current caretaker, upon  
32 application in the manner provided by Section 527 of the Code of  
33 Civil Procedure or, if related to domestic violence, in the manner  
34 provided by Section 6300 of the Family Code. A court may also  
35 issue an ex parte order enjoining any person from molesting,  
36 attacking, striking, stalking, threatening, sexually assaulting,  
37 battering, harassing, telephoning, including, but not limited to,  
38 making annoying telephone calls as described in Section 653m of  
39 the Penal Code, destroying the personal property, contacting, either  
40 directly or indirectly, by mail or otherwise, coming within a

1 specified distance of, or disturbing the peace of the child's current  
2 or former probation officer or court appointed special advocate,  
3 upon application in the manner provided by Section 527 of the  
4 Code of Civil Procedure.

5 (c) ~~If (1) If a temporary restraining order is granted without~~  
6 ~~notice, the matter shall be made returnable on an order requiring~~  
7 ~~cause to be shown why the order should not be granted, on the~~  
8 ~~earliest day that the business of the court will permit, but not later~~  
9 ~~than 21 days or, if good cause appears to the court, 25 days from~~  
10 ~~the date the temporary restraining order is granted. The court may,~~  
11 ~~on the motion of the person seeking the restraining order, or on its~~  
12 ~~own motion, shorten the time for service of the order to show cause~~  
13 ~~on the person to be restrained. The court may, upon its own motion~~  
14 ~~or the filing of a declaration by the person seeking the restraining~~  
15 ~~order, find that the person to be restrained could not be served~~  
16 ~~within the time required by law and reissue an order previously~~  
17 ~~issued and dissolved by the court for failure to serve the person to~~  
18 ~~be restrained. The reissued order shall remain in effect until the~~  
19 ~~date set for the hearing. The reissued order shall state on its face~~  
20 ~~the date of expiration of the order. Any~~

21 (2) *Either party may request a continuance of the hearing, which*  
22 *the court shall grant on a showing of good cause. The request may*  
23 *be made in writing before or at the hearing or orally at the hearing.*  
24 *The court may also grant a continuance on its own motion.*

25 (3) *If the court grants a continuance, any temporary restraining*  
26 *order that has been issued shall remain in effect until the end of*  
27 *the continued hearing, unless otherwise ordered by the court. In*  
28 *granting a continuance, the court may modify or terminate a*  
29 *temporary restraining order.*

30 (4) A hearing pursuant to this section may be held  
31 simultaneously with any regularly scheduled hearings held in  
32 proceedings to declare a child a dependent child or ward of the  
33 juvenile court pursuant to Section 300, 601, or 602, or subsequent  
34 hearings regarding the dependent child or ward.

35 (d) (1) The juvenile court may issue, upon notice and a hearing,  
36 any of the orders set forth in subdivisions (a), (b), and (c). ~~Any~~ A  
37 restraining order granted pursuant to this subdivision shall remain  
38 in effect, in the discretion of the court, no more than three years,  
39 unless otherwise terminated by the court, extended by mutual  
40 consent of all parties to the restraining order, or extended by further

1 order of the court on the motion of any party to the restraining  
2 order.

3 (2) If an action is filed for the purpose of terminating or  
4 modifying a protective order prior to the expiration date specified  
5 in the order by a party other than the protected party, the party  
6 who is protected by the order shall be given notice, pursuant to  
7 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
8 of the proceeding by personal service or, if the protected party has  
9 satisfied the requirements of Chapter 3.1 (commencing with  
10 Section 6205) of Division 7 of Title 1 of the Government Code,  
11 by service on the Secretary of State. If the party who is protected  
12 by the order cannot be notified prior to the hearing for modification  
13 or termination of the protective order, the juvenile court shall deny  
14 the motion to modify or terminate the order without prejudice or  
15 continue the hearing until the party who is protected can be  
16 properly noticed and may, upon a showing of good cause, specify  
17 another method for service of process that is reasonably designed  
18 to afford actual notice to the protected party. The protected party  
19 may waive his or her right to notice if he or she is physically  
20 present and does not challenge the sufficiency of the notice.

21 (e) (1) The juvenile court may issue an order made pursuant to  
22 subdivision (a), (b), or (d) excluding a person from a residence or  
23 dwelling. This order may be issued for the time and on the  
24 conditions that the court determines, regardless of which party  
25 holds legal or equitable title or is the lessee of the residence or  
26 dwelling.

27 (2) The court may issue an order under paragraph (1) only on  
28 a showing of all of the following:

29 (A) Facts sufficient for the court to ascertain that the party who  
30 will stay in the dwelling has a right under color of law to possession  
31 of the premises.

32 (B) That the party to be excluded has assaulted or threatens to  
33 assault the other party or any other person under the care, custody,  
34 and control of the other party, or any minor child of the parties or  
35 of the other party.

36 (C) That physical or emotional harm would otherwise result to  
37 the other party, to any person under the care, custody, and control  
38 of the other party, or to any minor child of the parties or of the  
39 other party.

1 (f) ~~Any~~An order issued pursuant to subdivision (a), (b), (c), or  
2 (d) shall state on its face the date of expiration of the order.

3 (g) All data with respect to a juvenile court protective order, or  
4 extension, modification, or termination thereof, granted pursuant  
5 to subdivision (a), (b), (c), or (d), shall be transmitted by the court  
6 or its designee, within one business day, to law enforcement  
7 personnel by either one of the following methods:

8 (1) Transmitting a physical copy of the order to a local law  
9 enforcement agency authorized by the Department of Justice to  
10 enter orders into the California Law Enforcement  
11 Telecommunications System (CLETS).

12 (2) With the approval of the Department of Justice, entering the  
13 order into CLETS directly.

14 (h) Any willful and knowing violation of any order granted  
15 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor  
16 punishable under Section 273.65 of the Penal Code.

17 (i) A juvenile court restraining order related to domestic violence  
18 issued by a court pursuant to this section shall be issued on forms  
19 adopted by the Judicial Council of California and that have been  
20 approved by the Department of Justice pursuant to subdivision (i)  
21 of Section 6380 of the Family Code. However, the fact that an  
22 order issued by a court pursuant to this section was not issued on  
23 forms adopted by the Judicial Council and approved by the  
24 Department of Justice shall not, in and of itself, make the order  
25 unenforceable.

26 (j) (1) Prior to a hearing on the issuance or denial of an order  
27 under this part, a search shall be conducted as described in  
28 subdivision (a) of Section 6306 of the Family Code.

29 (2) Prior to deciding whether to issue an order under this part,  
30 the court shall consider the following information obtained pursuant  
31 to a search conducted under paragraph (1): any conviction for a  
32 violent felony specified in Section 667.5 of the Penal Code or a  
33 serious felony specified in Section 1192.7 of the Penal Code; any  
34 misdemeanor conviction involving domestic violence, weapons,  
35 or other violence; any outstanding warrant; parole or probation  
36 status; any prior restraining order; and any violation of a prior  
37 restraining order.

38 (3) (A) If the results of the search conducted pursuant to  
39 paragraph (1) indicate that an outstanding warrant exists against  
40 the subject of the search, the court shall order the clerk of the court

1 to immediately notify, by the most effective means available,  
 2 appropriate law enforcement officials of any information obtained  
 3 through the search that the court determines is appropriate. The  
 4 law enforcement officials notified shall take all actions necessary  
 5 to execute any outstanding warrants or any other actions, as  
 6 appropriate and as soon as practicable.

7 (B) If the results of the search conducted pursuant to paragraph  
 8 (1) indicate that the subject of the search is currently on parole or  
 9 probation, the court shall order the clerk of the court to immediately  
 10 notify, by the most effective means available, the appropriate parole  
 11 or probation officer of any information obtained through the search  
 12 that the court determines is appropriate. The parole or probation  
 13 officer notified shall take all actions necessary to revoke any parole  
 14 or probation, or any other actions, with respect to the subject  
 15 person, as appropriate and as soon as practicable.

16 (k) Upon making any order for custody or visitation pursuant  
 17 to this section, the court shall follow the procedures specified in  
 18 subdivisions (c) and (d) of Section 6323 of the Family Code.

19 ~~SEC. 4.~~

20 *SEC. 8.* Section 15657.03 of the Welfare and Institutions Code  
 21 is amended to read:

22 15657.03. (a) (1) An elder or dependent adult who has suffered  
 23 abuse, as defined in Section 15610.07, may seek protective orders  
 24 as provided in this section.

25 (2) A petition may be brought on behalf of an abused elder or  
 26 dependent adult by a conservator or a trustee of the elder or  
 27 dependent adult, an attorney-in-fact of an elder or dependent adult  
 28 who acts within the authority of a power of attorney, a person  
 29 appointed as a guardian ad litem for the elder or dependent adult,  
 30 or other person legally authorized to seek such relief.

31 (b) For purposes of this section:

32 (1) “Conservator” means the legally appointed conservator of  
 33 the person or estate of the petitioner, or both.

34 (2) “Petitioner” means the elder or dependent adult to be  
 35 protected by the protective orders and, if the court grants the  
 36 petition, the protected person.

37 (3) “Protective order” means an order that includes any of the  
 38 following restraining orders, whether issued ex parte, after notice  
 39 and hearing, or in a judgment:

1 (A) An order enjoining a party from abusing, intimidating,  
2 molesting, attacking, striking, stalking, threatening, sexually  
3 assaulting, battering, harassing, telephoning, including, but not  
4 limited to, making annoying telephone calls as described in Section  
5 653m of the Penal Code, destroying personal property, contacting,  
6 either directly or indirectly, by mail or otherwise, or coming within  
7 a specified distance of, or disturbing the peace of, the petitioner,  
8 and, in the discretion of the court, on a showing of good cause, of  
9 other named family or household members or a conservator, if  
10 any, of the petitioner.

11 (B) An order excluding a party from the petitioner’s residence  
12 or dwelling, except that this order shall not be issued if legal or  
13 equitable title to, or lease of, the residence or dwelling is in the  
14 sole name of the party to be excluded, or is in the name of the party  
15 to be excluded and any other party besides the petitioner.

16 (C) An order enjoining a party from specified behavior that the  
17 court determines is necessary to effectuate orders described in  
18 subparagraph (A) or (B).

19 (4) “Respondent” means the person against whom the protective  
20 orders are sought and, if the petition is granted, the restrained  
21 person.

22 (c) An order may be issued under this section, with or without  
23 notice, to restrain any person for the purpose of preventing a  
24 recurrence of abuse, if a declaration shows, to the satisfaction of  
25 the court, reasonable proof of a past act or acts of abuse of the  
26 petitioning elder or dependent adult.

27 (d) Upon filing a petition for protective orders under this section,  
28 the petitioner may obtain a temporary restraining order in  
29 accordance with Section 527 of the Code of Civil Procedure, except  
30 to the extent this section provides a rule that is inconsistent. The  
31 temporary restraining order may include any of the protective  
32 orders described in paragraph (3) of subdivision (b). However, the  
33 court may issue an ex parte order excluding a party from the  
34 petitioner’s residence or dwelling only on a showing of all of the  
35 following:

36 (1) Facts sufficient for the court to ascertain that the party who  
37 will stay in the dwelling has a right under color of law to possession  
38 of the premises.

1 (2) That the party to be excluded has assaulted or threatens to  
2 assault the petitioner, other named family or household member  
3 of the petitioner, or a conservator of the petitioner.

4 (3) That physical or emotional harm would otherwise result to  
5 the petitioner, other named family or household member of the  
6 petitioner, or a conservator of the petitioner.

7 (e) A request for the issuance of a temporary restraining order  
8 without notice under this section shall be granted or denied on the  
9 same day that the petition is submitted to the court, unless the  
10 petition is filed too late in the day to permit effective review, in  
11 which case the order shall be granted or denied on the next day of  
12 judicial business in sufficient time for the order to be filed that day  
13 with the clerk of the court.

14 (f) Within 21 days, or, if good cause appears to the court, 25  
15 days, from the date that a request for a temporary restraining order  
16 is granted or denied, a hearing shall be held on the petition. If no  
17 request for temporary orders is made, the hearing shall be held  
18 within 21 days, or, if good cause appears to the court, 25 days,  
19 from the date that the petition is filed.

20 (g) The respondent may file a response that explains or denies  
21 the alleged abuse.

22 (h) The court may issue, upon notice and a hearing, any of the  
23 orders set forth in paragraph (3) of subdivision (b). The court may  
24 issue, after notice and hearing, an order excluding a person from  
25 a residence or dwelling if the court finds that physical or emotional  
26 harm would otherwise result to the petitioner, other named family  
27 or household member of the petitioner, or conservator of the  
28 petitioner.

29 (i) (1) In the discretion of the court, an order issued after notice  
30 and a hearing under this section may have a duration of not more  
31 than five years, subject to termination or modification by further  
32 order of the court either on written stipulation filed with the court  
33 or on the motion of a party. These orders may be renewed upon  
34 the request of a party, either for five years or permanently, without  
35 a showing of any further abuse since the issuance of the original  
36 order, subject to termination or modification by further order of  
37 the court either on written stipulation filed with the court or on the  
38 motion of a party. The request for renewal may be brought at any  
39 time within the three months before the expiration of the order.

1 (2) The failure to state the expiration date on the face of the  
2 form creates an order with a duration of three years from the date  
3 of issuance.

4 (3) If an action is filed for the purpose of terminating or  
5 modifying a protective order prior to the expiration date specified  
6 in the order by a party other than the protected party, the party  
7 who is protected by the order shall be given notice, pursuant to  
8 subdivision (b) of Section 1005 of the Code of Civil Procedure,  
9 of the proceeding by personal service or, if the protected party has  
10 satisfied the requirements of Chapter 3.1 (commencing with  
11 Section 6205) of Division 7 of Title 1 of the Government Code,  
12 by service on the Secretary of State. If the party who is protected  
13 by the order cannot be notified prior to the hearing for modification  
14 or termination of the protective order, the court shall deny the  
15 motion to modify or terminate the order without prejudice or  
16 continue the hearing until the party who is protected can be  
17 properly noticed and may, upon a showing of good cause, specify  
18 another method for service of process that is reasonably designed  
19 to afford actual notice to the protected party. The protected party  
20 may waive his or her right to notice if he or she is physically  
21 present in court and does not challenge the sufficiency of the notice.

22 (j) In a proceeding under this section, a support person may  
23 accompany a party in court and, if the party is not represented by  
24 an attorney, may sit with the party at the table that is generally  
25 reserved for the party and the party's attorney. The support person  
26 is present to provide moral and emotional support for a person  
27 who alleges he or she is a victim of abuse. The support person is  
28 not present as a legal adviser and may not provide legal advice.  
29 The support person may assist the person who alleges he or she is  
30 a victim of abuse in feeling more confident that he or she will not  
31 be injured or threatened by the other party during the proceedings  
32 if the person who alleges he or she is a victim of abuse and the  
33 other party are required to be present in close proximity. This  
34 subdivision does not preclude the court from exercising its  
35 discretion to remove the support person from the courtroom if the  
36 court believes the support person is prompting, swaying, or  
37 influencing the party assisted by the support person.

38 (k) Upon the filing of a petition for protective orders under this  
39 section, the respondent shall be personally served with a copy of  
40 the petition, notice of the hearing or order to show cause, temporary

1 restraining order, if any, and any declarations in support of the  
2 petition. Service shall be made at least five days before the hearing.  
3 The court may, on motion of the petitioner or on its own motion,  
4 shorten the time for service on the respondent.

5 (l) A notice of hearing under this section shall notify the  
6 respondent that if he or she does not attend the hearing, the court  
7 may make orders against him or her that could last up to five years.

8 (m) (1) Either party may request a continuance of the hearing,  
9 which the court shall grant on a showing of good cause. The request  
10 may be made in writing before or at the hearing or orally at the  
11 hearing. The court may also grant a continuance on its own motion.

12 (2) ~~If the court, in its discretion,~~ court grants a continuance, any  
13 temporary restraining order that has been granted shall remain in  
14 effect until the end of the continued hearing, unless otherwise  
15 ordered by the court. In granting a continuance, the court may  
16 modify or terminate a temporary restraining order.

17 (n) (1) If a respondent, named in an order issued under this  
18 section after a hearing, has not been served personally with the  
19 order but has received actual notice of the existence and substance  
20 of the order through personal appearance in court to hear the terms  
21 of the order from the court, no additional proof of service is  
22 required for enforcement of the order.

23 (2) If the respondent named in a temporary restraining order is  
24 personally served with the order and notice of hearing with respect  
25 to a restraining order or protective order based on the temporary  
26 restraining order, but the respondent does not appear at the hearing,  
27 either personally or by an attorney, and the terms and conditions  
28 of the restraining order or protective order issued at the hearing  
29 are identical to the temporary restraining order, except for the  
30 duration of the order, then the restraining order or protective order  
31 issued at the hearing may be served on the respondent by first-class  
32 mail sent to the respondent at the most current address for the  
33 respondent that is available to the court.

34 (3) The Judicial Council form for temporary orders issued  
35 pursuant to this subdivision shall contain a statement in  
36 substantially the following form:

37  
38 “If you have been personally served with a temporary restraining  
39 order and notice of hearing, but you do not appear at the hearing  
40 either in person or by a lawyer, and a restraining order that is the

1 same as this temporary restraining order except for the expiration  
2 date is issued at the hearing, a copy of the order will be served on  
3 you by mail at the following address: \_\_\_\_\_.

4 If that address is not correct or you wish to verify that the  
5 temporary restraining order was converted to a restraining order  
6 at the hearing without substantive change and to find out the  
7 duration of that order, contact the clerk of the court.”

8

9 (o) (1) Information on a protective order relating to elder or  
10 dependent adult abuse issued by a court pursuant to this section  
11 shall be transmitted to the Department of Justice in accordance  
12 with either paragraph (2) or (3).

13 (2) The court shall order the petitioner or the attorney for the  
14 petitioner to deliver a copy of an order issued under this section,  
15 or a reissuance, extension, modification, or termination of the  
16 order, and any subsequent proof of service, by the close of the  
17 business day on which the order, reissuance, extension,  
18 modification, or termination was made, to each law enforcement  
19 agency having jurisdiction over the residence of the petitioner, and  
20 to any additional law enforcement agencies within the court’s  
21 discretion as are requested by the petitioner.

22 (3) Alternatively, the court or its designee shall transmit, within  
23 one business day, to law enforcement personnel all information  
24 required under subdivision (b) of Section 6380 of the Family Code  
25 regarding any order issued under this section, or a reissuance,  
26 extension, modification, or termination of the order, and any  
27 subsequent proof of service, by either one of the following  
28 methods:

29 (A) Transmitting a physical copy of the order or proof of service  
30 to a local law enforcement agency authorized by the Department  
31 of Justice to enter orders into the California Law Enforcement  
32 Telecommunications System (CLETS).

33 (B) With the approval of the Department of Justice, entering  
34 the order or proof of service into CLETS directly.

35 (4) Each appropriate law enforcement agency shall make  
36 available information as to the existence and current status of these  
37 orders to law enforcement officers responding to the scene of  
38 reported abuse.

39 (5) An order issued under this section shall, on request of the  
40 petitioner, be served on the respondent, whether or not the

1 respondent has been taken into custody, by any law enforcement  
 2 officer who is present at the scene of reported abuse involving the  
 3 parties to the proceeding. The petitioner shall provide the officer  
 4 with an endorsed copy of the order and a proof of service, which  
 5 the officer shall complete and send to the issuing court.

6 (6) Upon receiving information at the scene of an incident of  
 7 abuse that a protective order has been issued under this section,  
 8 or that a person who has been taken into custody is the respondent  
 9 to that order, if the protected person cannot produce an endorsed  
 10 copy of the order, a law enforcement officer shall immediately  
 11 attempt to verify the existence of the order.

12 (7) If the law enforcement officer determines that a protective  
 13 order has been issued but not served, the officer shall immediately  
 14 notify the respondent of the terms of the order and where a written  
 15 copy of the order can be obtained, and the officer shall at that time  
 16 also enforce the order. The law enforcement officer’s verbal notice  
 17 of the terms of the order shall constitute service of the order and  
 18 is sufficient notice for the purposes of this section and for the  
 19 purposes of Section 273.6 of the Penal Code.

20 (p) Nothing in this section shall preclude either party from  
 21 representation by private counsel or from appearing on the party’s  
 22 own behalf.

23 (q) There is no filing fee for a petition, response, or paper  
 24 seeking the reissuance, modification, or enforcement of a protective  
 25 order filed in a proceeding brought pursuant to this section.

26 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2  
 27 of the Government Code, a petitioner shall not be required to pay  
 28 a fee for law enforcement to serve an order issued under this  
 29 section.

30 (s) The prevailing party in an action brought under this section  
 31 may be awarded court costs and attorney’s fees, if any.

32 (t) (1) A person subject to a protective order under this section  
 33 shall not own, possess, purchase, receive, or attempt to receive a  
 34 firearm or ammunition while the protective order is in effect.

35 (2) The court shall order a person subject to a protective order  
 36 issued under this section to relinquish any firearms he or she owns  
 37 or possesses pursuant to Section 527.9 of the Code of Civil  
 38 Procedure.

39 (3) Every person who owns, possesses, purchases, or receives,  
 40 or attempts to purchase or receive a firearm or ammunition while

1 subject to a protective order issued under this section is punishable  
2 pursuant to Section 29825 of the Penal Code.

3 (4) This subdivision does not apply in a case in which a  
4 protective order issued under this section was made solely on the  
5 basis of financial abuse unaccompanied by force, threat,  
6 harassment, intimidation, or any other form of abuse.

7 (u) Any willful disobedience of any temporary restraining order  
8 or restraining order after hearing granted under this section is  
9 punishable pursuant to Section 273.6 of the Penal Code.

10 (v) This section does not apply to any action or proceeding  
11 governed by Title 1.6C (commencing with Section 1788) of Part  
12 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with  
13 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,  
14 or by Division 10 (commencing with Section 6200) of the Family  
15 Code. Nothing in this section shall preclude a petitioner's right to  
16 use other existing civil remedies.

17 (w) The Judicial Council shall develop forms, instructions, and  
18 rules relating to matters governed by this section. The petition and  
19 response forms shall be simple and concise, and their use by parties  
20 in actions brought pursuant to this section shall be mandatory.