



**STANISLAUS COUNTY SUPERIOR COURT
CIVIL DIVISION**

www.stanislaus.courts.ca.gov

(209) 530-3100

Revised 1/1/2025

CIVIL HARASSMENT RESPONSE

All documents must be typed or printed legibly per Rules of Court 2.104. One (1) original plus two (2) copies of the Response and Proof of Service are required for filing.

You must obey the Temporary Restraining Order (if one was issued and served on you) until the hearing.

In this packet you will find the following forms:

1. How Can I Respond to a Request for Civil Harassment Restraining Orders (CH-120-INFO)
2. Response to Request for Civil Harassment Restraining Orders (CH-120)
3. Proof of Service of Response by Mail (CH-250)

The following forms need to be served on the other party.

- Response to Request for Civil Harassment Restraining Orders (CH-120)
- Proof of Service of Response by Mail (CH-250)

This is the paperwork the restrained person(s) needs to fill out and file with the Court to answer the protected person(s) request for a Civil Harassment Restraining Order.

How long does the order last?

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

Do I need a lawyer?

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

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

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

Can I bring a witness to the court hearing?

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

What if I don't speak English?

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/CH-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

What if I have a firearm (gun), firearm part, or ammunition?

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

What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders/exception, or see Code of Civil Procedure section 527.9(f).

What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

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

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

What if I have a disability?

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

CH-120

Response to Request for Civil Harassment Restraining Orders

Clerk stamps date here when form is filed.

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

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

① Person Seeking Protection

Full name of person seeking protection (see form CH-100, item 1):

② Person From Whom Protection Is Sought

- a. Your Name: _____
 Your Lawyer (if you have one for this case)
 Name: _____ State Bar No.: _____
 Firm Name: _____
- b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)

Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____

Fill in court name and street address:

Superior Court of California, County of Stanislaus
 801 10th Street 4th Floor
 Modesto, CA 95354

Court fills in case number when form is filed.

Case Number:

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

Hearing Date

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

If you were served with a temporary restraining order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

③ Personal Conduct Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in ⑫ on page 4.)
- c. I agree to the following orders (Specify below or in ⑫ on page 4.)

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (Specify why you disagree in ⑫ on page 4.)
- c. I agree to the following orders (specify below or in ⑫ on page 4):



5 **Additional Protected Persons**

- a. I agree that the persons listed in item 3 of form CH-100 may be protected by the order requested.
- b. I do not agree that the persons listed in item 3 of form CH-100 may be protected by the order requested.

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

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

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt

- (1) is attached.
- (2) has already been filed with the court.

c. I ask for an exception to carry a firearm or ammunition for work. *(Complete items (1)–(3) below):*

- (1) Are you a sworn peace officer?
 - No
 - Yes
- (2) Are there any orders or state or federal laws that prohibit you from having firearms or ammunition?
 - No
 - I don't know *(explain):*

Yes *(explain):*

(3) *(Explain what your job is and why you need a firearm or ammunition):*

(Note: You **must** follow any orders to turn in, sell, or store prohibited items until the judge decides whether to grant you an exception. Before an exception can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to selfhelp.courts.ca.gov/respond-to-CH-restraining-order/obey-firearms-orders/exception or see Code of Civil Procedure section 527.9(f).)

7 No Body Armor

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

(Check all that apply):

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

8 Possession and Protection of Animals

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in (12) on page 4.)*
- c. I agree to the following orders *(specify below or in (12) on page 4):*

9 Other Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. *(Specify why you disagree in (12) on page 4.)*
- c. I agree to the following orders *(specify below or in (12) on page 4):*

10 Denial

I did not do anything described in item 7 of form CH-100. *(Skip to (12).)*



Case Number: _____

13 **No Fee for Filing**

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

14 **Lawyer's Fees and Costs**

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

The amounts requested are:

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

Check here if there are more items. Put the items and amounts on an attached sheet of paper and write "Attachment 14—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.

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

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

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

What is a civil harassment restraining order?

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

What does the order do?

The court can order you to:

- Not contact the person who asked for the order
- Stay away from that person and the person’s home and workplace
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see selfhelp.courts.ca.gov/restraining-orders/prohibited-items.

Who can ask for a civil harassment restraining order?

A person who is worried about safety because they have been or are being:

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

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

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

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

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

What if I don't obey the order?

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

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

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

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

Should I go to the court hearing?

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

CH-109 Notice of Court Hearing

Clerk stamps date here when form is filed.

1 Person Seeking Protection

a. Your Full Name: _____

Your Lawyer (if you have one for this case):
 Name: _____ State Bar No.: _____
 Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email Address: _____

Fill in court name and street address:
 Superior Court of California, County of _____

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

2 Person From Whom Protection Is Sought

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

Name and address of court if different from above:

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

To the person in **(2)**:

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

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

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

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

Notice of Court Hearing (Civil Harassment Prevention)

CH-109, Page 1 of 3



Clerk stamps date here when form is filed.

1 Name of Person Asking for Protection:

2 Name of Person to Be Restrained:

3 Notice to Server

The server must:

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

Fill in court name and street address:

**Superior Court of California, County of
STANISLAUS**
801 10TH STREET, 4TH FLOOR
MODESTO, CA 95354

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

Fill in case number:

Case Number:

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

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

- a. Name of person served: _____
- b. To this address: _____
- City: _____ State: _____ Zip: _____
- c. Mailed on (date): _____
- d. Mailed from (city): _____ (state): _____

6 Server's Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____


If you are a registered process server:

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name


 Server to sign here