

# CIVIL HARASSMENT (AND WORKPLACE VIOLENCE) RESTRAINING ORDERS



Civil Harassment and Minors

Workplace Violence and Schools

Day of Court Mediation

## PURPOSE OF CHRO

### Prevent Future Harm

- Designed to deter and not to punish
- Court should issue only on clear showing that injury will occur if the injunction is not issued.

**NO REQUIRED RELATIONSHIPS FOR CIVIL HARASSMENT  
(CCP § 527.6) (CIVIL COURT)**

Neighbors

Roommates

Cousins

Coworkers

New significant  
other vs. Former  
significant other

Classmates

# MINOR CHILD'S CHRO



Child 12 and over may seek own CHRO (CCP §372(b)(1)(A))



Minor under 12 needs CCP §374, (CCP § 527.6(a)(2))

# HARASSMENT (CCP § 527.6(b)(3))

Unlawful  
violence

Credible Threat  
of Violence

Knowing and  
Willful Course of  
Conduct



# UNLAWFUL VIOLENCE CCP § 527.6(b)(7)

Assault

Battery

or Stalking

not Lawful self-defense

or Defense of others

## CREDIBLE THREAT OF VIOLENCE (CCP § 527.6(b)(2))

Knowing and Willful Statement or Course of Conduct

That would place a reasonable person in fear  
(for self or immediate family)

And serves no legitimate purpose

# KNOWING AND WILLFUL COURSE OF CONDUCT (CCP § 527.6(b)(2))

Directed at Specific Person

That seriously alarms, annoys, or harasses person

And serves no legitimate purpose



# COURSE OF CONDUCT

## Pattern of Conduct

- Composed of series of acts over period of time, however short, evidencing continuity of purpose (§527.6(b)(1))
- Conduct would cause reasonable person to suffer substantial emotional distress and actually caused petitioner substantial emotional distress (§527.6(b)(3))

## CIVIL HARASSMENT - BURDEN OF PROOF

TRO - Reasonable proof of harassment by respondent, and great or irreparable harm would result to petitioner

ROAH - Clear and convincing evidence that unlawful harassment exists AND conduct is likely to continue unless restraining order is issued

# CHRO TRO and AFTER HEARING

Personal Conduct  
Orders

No Contact  
(Direct or  
Indirect)

Stay Away

Animals: care and  
stay away

Firearm  
Relinquishment

“Other restraints  
necessary to  
effectuate court’s  
orders”

# WORKPLACE VIOLENCE (CCP § 527.8(a)3))

Unlawful  
violence

Credible Threat  
of Violence

Course of  
Conduct



## CREDIBLE THREAT OF VIOLENCE (CCP § 527.8(b)(2))

Knowing and Willful Statement or Course of Conduct

That would place a reasonable person in fear  
(for self or immediate family)

And serves no legitimate purpose

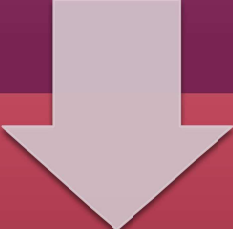
# COURSE OF CONDUCT

## Pattern of Conduct

- Composed of series of acts over period of time, however short, evidencing continuity of purpose (§527.8(b)(1))
- Ie. Following/Stalking Employee to/from Workplace, entering workplace, following employee during work hours, making phone calls, sending correspondence by any means (§527.6(b)(3))

## WORKPLACE VIOLENCE - BURDEN OF PROOF

TRO - Reasonable proof of unlawful violence or credible threat of violence by respondent, and great or irreparable harm would result to employee (§527.8(e))



ROAH - Clear and convincing evidence (§527.8(j))

## DIFFERENCES BETWEEN CHRO AND WVRO

Employer files on behalf of employees (can include employees at other workplaces)

Duration- Maximum 3 years, no mutual orders

Location of unlawful violence or credible threat of violence: must be able to be reasonably construed to be carried out at workplace



# MEDIATED AGREEMENTS (NON-CLETS ORDERS)

No contact

No posting on public  
media

Stay Away

If Meet Accidentally  
or In Public - no  
physical or verbal  
contact

Treat w/ Civility as if  
Strangers

Encourage Family &  
Friends to Follow  
spirit of agreement

Set expiration\*

Commitment to  
Future Behavior

Enforceable by  
Contempt of court

THANK YOU!

