

Request a Civil Harassment Restraining Order

<p>Step 1</p>	<p>Complete the following forms in blue or black ink:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> CM-010 Civil Case Cover Sheet <input checked="" type="checkbox"/> CV-5014 Declaration Re:Notice Upon Ex Parte Application for Orders for Civil Harassment <input checked="" type="checkbox"/> CH-109 Notice of Court Hearing (Civil Harassment Prevention) <input checked="" type="checkbox"/> CH-110 Temporary Restraining Order (CLETS-TCH) (Civil Harassment Prevention) <input checked="" type="checkbox"/> CH-100 Request for Civil Harassment Restraining Orders <input checked="" type="checkbox"/> MC-020 Additional page <input checked="" type="checkbox"/> CLETS-001 Confidential CLETS Information <p><i>Complete the next form if you want the Sheriff to try to serve your forms:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> SER-001 Request for Sheriff to Serve Court Papers <p><i>Complete the next 2 forms if you are asking the court to waive the filing fees:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> FW-001 Application for Waiver of Court Fees and Costs <input type="checkbox"/> FW-003 Order on Application for Waiver of Court Fees and Costs
<p>Step 2</p>	<p>Review: Bring your completed forms to the Restraining Order Help Center at 201 N. First Street, San Jose, CA to have them reviewed before filing.</p>
<p>Step 3</p>	<p>File: Turn in the forms to the Court Specialist at the Calendar Office located at: 191 North First Street, San Jose, CA 95113</p> <p>The Clerk's Office opens at 8:30am Monday-Friday, closing times are subject to change, visit www.scscourt.org or call 408-882-2100 for current office hours.</p> <ul style="list-style-type: none"> • There is a filing fee unless there has been violence, credible threat of violence or stalking or you qualify for a fee waiver based on income. The Judge will determine whether you are required to pay a filing fee. • The Court Specialist will give you a slip to let you know how to check if your forms are ready. If you lose that slip contact the Court Specialist at (408) 882-2100, option 6, then 5, then 4.
<p>Step 4</p>	<p>Pick up:</p> <ul style="list-style-type: none"> • When your forms are ready, go back to the Court Specialist window to pick them up. Your forms will NOT be mailed to you; you must pick them up at the Courthouse where you turned them in. • Once you pick up the forms you can look at them to see if the Judge granted a temporary restraining order that will last until your court date. There will also be a court date on the forms. • Keep for your records—1 filed copy. If your request is approved, the Clerk will give you extra copies of your Temporary Restraining Order. You want to keep a copy in locations where you are in case you need to show law enforcement a copy (car, work, home, etc.).
<p>Step 5</p>	<p>Personal Service – deadline is <u>5 calendar days</u> before your court date:</p> <ul style="list-style-type: none"> • “<i>Personal Service</i>” means: An adult, NOT you or a protected person in the case, must hand-deliver a filed copy of the forms in Step 1, CH-120, CH-800, CH-800-Info and local form FM-1047, to the Restrained Person.

	<ul style="list-style-type: none"> • Whoever serves the forms must complete the attached form CH-200 Proof of Personal Service and give it back to you. File the original CH-200 and a copy at the Clerk's Office. The clerk file stamps the copy and gives it back to you. Keep this copy for your records. • If you asked the Sheriff to serve your forms, the court will forward your forms to the Sheriff's office. You can contact the Sheriff's office at (408) 808-4800 to see if they were able to serve. Note: there is no guarantee that the Sheriff's will serve your forms. It will still be your responsibility to be sure personal service is completed.
Step 6	Go to your court date.

WHEN CAN I ASK FOR A CIVIL HARASSMENT RESTRAINING ORDER?

If you and the other party do not have a close relationship (married, divorced, separated, dating or used to date, live together or used to live together), or are not related (parent, child, brother, sister, grandmother, grandfather, in-laws), and the other party has been violent or threatened to be violent to you or there is a pattern of harassment towards you.

HOW CAN I CHECK THE STATUS OF THE REQUEST FOR A RESTRAINING ORDER I JUST FILED?

When you file your restraining order forms the Court Specialist at the courthouse will give you a slip with instructions on how to find out if your forms are ready. However, if you lose that slip, you can call the courthouse where you filed your forms at (408) 882-2100, option 6, then 6.

HOW LONG DOES THE RESTRAINING ORDER LAST?

The temporary restraining order will remain in effect until your court date which will usually be in about 3 weeks. During your court hearing, if the Judge grants your request the restraining order could last for up to 5 years.

HOW CAN I GET HELP?

Here are some ways to get help:

- Go to <http://www.calbar.ca.gov/Public>, then click on "Lawyer Referral services" to hire or consult with a private attorney.
- For free legal advice and information, see our "Do-It-Yourself Resources" flyer. Go to www.scscourt.org, click on "Self-Help" then "Self-Help Flyers".
- The Self Help Center/Family Law Facilitator – See our information flyer:
 - Contact us: Go to www.scscourt.org then click "**Contact the Self Help Center**". Walk-in assistance is limited to emergencies so contact us remotely first.
 - Obtain Forms: Go to www.scscourt.org then click "**Complete Forms at Home**"
 - Form Review: Restraining order requests may be reviewed in person at the Restraining Order Help Center located at 201 N. First Street, San Jose, CA 95113, visit www.scscourt.org for current office hours. If you cannot get to the office in person you may email your forms as a PDF file to SHCDocReview@scscourt.org. Reviews by email will take longer than in-person reviews.
 - Note: We **cannot** help people who have attorneys.

Superior Court, County of Santa Clara
Self Help Center/Family Law Facilitator's Office
 201 N. First Street, San Jose, CA 95113
 408-882-2926