

# Response to a Civil Harassment Restraining Order Request

<b>Step 1</b>	<p><b>Complete the following forms</b> in blue or black ink:</p> <p><input checked="" type="checkbox"/> CH-120 Response to Request for Civil Harassment Restraining Orders</p> <p><input type="checkbox"/> MC-025 Additional page</p>
<b>Step 2</b>	<p><b>Optional Review:</b> Bring your completed forms to the <b>Restraining Order Help Center</b> at 201 N. First Street, San Jose, CA to have them reviewed before filing.</p>
<b>Step 3</b>	<p><b>Copies:</b> Make 2 copies in addition to the original.</p>
<p><b>Step 4</b></p> <p>There is a filing fee, unless the fee is waived.</p>	<p><b>File:</b> Turn in your forms and copies to the <b>Calendar Office, Room 104</b> located at:  <b>191 North First Street, San Jose, CA 95113</b></p> <p>They open at 8:30am Monday-Friday, closing times are subject to change, visit <a href="http://www.scscourt.org">www.scscourt.org</a> or call <b>408-882-2100</b> for current office hours.</p> <p><input type="checkbox"/> If you are asking for a fee waiver, your file-stamped copies may be returned immediately, OR you may be asked to return in up to 24 hours, OR your file stamped forms may be mailed to you. Please check with the clerk who takes your forms.</p> <p><input type="checkbox"/> If you are paying the filing fee, the clerk will keep the original and return your file-stamped copies to you immediately.</p>
<b>Step 5</b>	<p><b>Service:</b> After the filed copies are returned to you:</p> <ul style="list-style-type: none"> <li>• <b>Keep</b> 1 copy for your records</li> <li>• <b>Serve by mail:</b> At least <b>2 calendar days</b> before the court date, have an adult, not you, mail a filed copy of your <i>Response</i> to the other party.</li> </ul> <p>Whoever does the service must complete a <i>Proof of Service by Mail</i> form (CH-250) and give it back to you. File the original and a copy of this form at the Clerk's Office. The clerk will stamp the copy and give it back to you.</p>
<b>Step 6</b>	<p><b>What happens next:</b></p> <ul style="list-style-type: none"> <li>▪ <b>Go to your court hearing</b> to present your side of the case.</li> <li>▪ <b>Bring 3 copies</b> of your <u>filed</u> <i>Response</i> forms to court with you—one for the other side, one for the Judge and one for you.</li> </ul>

## WHAT IS A RESTRAINING ORDER?

A restraining order is issued to protect a person from someone they claim is abusing them, threatening to abuse them or when there is a pattern of harassing behavior. When a restraining order is filed, the Judge reads what the requesting party asks for, grants or denies their request for temporary orders and sets a hearing date. These orders are in effect until the court hearing. The Judge can make Personal Conduct orders (you cannot call, write, contact or harass the other party) or Stay-Away orders (you must stay a certain distance away from the protected person and specific places). They can also make other orders they think will help keep the protected person(s) safe.

## HOW DO I TELL MY SIDE OF THE STORY?

First, read the orders very carefully and be sure to obey the orders until the hearing. Then, you should file a *Response* so that the Judge has your side of the story, whether you agree with the other party's statement. If you do not file a *Response*, the Judge will only have the other party's side in writing. Also, if you do not file a *Response*, the Judge may not let you talk in court. If you have a criminal case involving an incident with the other party, talk to your criminal defense attorney before you file your *Response*.

## WHAT IF I DID NOT GET SERVED IN TIME OR WANT TO HIRE AN ATTORNEY?

At the hearing you may ask for a continuance to have more time to hire an attorney and/or file a *Response*. If the other party has an attorney, you can contact their attorney before the hearing date to ask for a continuance. If you and the attorney agree to a continuance, you can both come to the hearing date and tell the Judge. If you do not agree, you will have to ask the Judge for a continuance. If the Judge gives you a continuance, all the orders will usually remain in place until the next hearing date.

## 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](http://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](http://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](http://www.scscourt.org) then click "**Complete Forms at Home**".
  - Form Review: Restraining order forms 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](http://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](mailto: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