

# How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?

## What is a private postsecondary school violence 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 student who is protected by the order
- Stay away from the student and the student’s home, school, and other places
- Not have any guns as long as the order is in effect

## Who can ask for a private postsecondary school violence restraining order?

A school official at a private postsecondary school can ask for an order on behalf of an adult student who is worried about his or her safety because he or she has suffered a credible threat of violence that could be carried out on the school campus or facility.

## I've been served with a petition for private postsecondary school violence 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 obey the order?

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

## 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 SV-120, *Response to Petition for Private Postsecondary School Violence 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 on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

## 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 SV-120 to the person named in item ① of the petition Form SV-100 (or that person’s lawyer). (This is called “service by mail.”)

The person who serves the form by mail for you must fill out Form SV-250, *Proof of Service of Response 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 SV-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

**SV-109 Notice of Court Hearing**

Clerk, stamps date here when form is filed.

① **Petitioner (Educational Institution Officer or Employee)**

a. Name: \_\_\_\_\_  
Lawyer for Petitioner (if any for this case):  
 Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_  
 Firm Name: \_\_\_\_\_

b. Address (If you have a lawyer, give your lawyer's information.):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

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

② **Student in Need of Protection**  
 Full Name: \_\_\_\_\_  
Fill in case number:  
 Case Number: \_\_\_\_\_

③ **Respondent (Person From Whom Protection Is Sought)**  
 Full Name: \_\_\_\_\_

The court will complete the rest of this form.

④ **Notice of Hearing**  
 A court hearing is scheduled on the request for restraining orders against the respondent:

**Hearing Date** \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
Name and address of court if different from above:

⑤ **Temporary Restraining Orders** (Any orders granted are on Form SV-110, served with this notice.)

a. Temporary Restraining Orders for personal conduct and stay away orders as requested in Form SV-100, *Request for Private Postsecondary School Violence 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.)

Judicial Council of California, www.courts.ca.gov  
 Revised January 1, 2012, Mandatory Form  
 Code of Civil Procedure, § 527.85  
 Approved by DOJ

**Notice of Court Hearing**  
(Private Postsecondary School Violence Prevention)

SV-109, Page 1 of 3



**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 three 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 student at the court hearing?**

Yes. Assume that the student will attend the hearing. Do not talk to him or her unless the judge or his or her lawyer says 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.

**For help in your area, contact:**

*[Local information may be inserted.]*

**What if I don't speak English?**

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

**What if I have a gun?**

If a restraining order is issued, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to a licensed gun dealer or turn it in to a law enforcement agency.

**Can I agree with the student to cancel the order?**

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

**What if I am deaf or hard of hearing?**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five court days before the hearing. Contact the clerk's office or go to [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms) for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)