

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO**

**PRIVATE POSTSECONDARY
SCHOOL VIOLENCE
RESPONDENT PACKET**



FORMS INCLUDED IN THIS PACKET

How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders?	Judicial Council Form #SV-120-INFO
Response to Petition for Private Postsecondary School Violence Restraining Orders	Judicial Council Form #SV-120
How to Ask for a New Hearing Date (Private Postsecondary School Violence Prevention)	Judicial Council Form #SV-115-INFO
Instructions for Requesting to Continue Hearing on Restraining Order	SDSC Form #CIV-385
Proof of Service of Response by Mail	Judicial Council Form #SV-250
How Do I Turn In, Sell, or Store my Firearms and Firearm Parts?	Judicial Council Form #SV-800-INFO
Receipt for Firearms and Firearm Parts	Judicial Council Form #SV-800

What is a private postsecondary school violence restraining order?

It is a court order that prohibits you from doing certain things and going 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 firearms (guns), firearm parts, or ammunition 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 <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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 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 from the California Courts website at www.courts.ca.gov/forms. You also may be able to find them 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 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: _____

② **Student in Need of Protection**
 Full Name: _____

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: _____	Name and address of court if different from above: _____
	Dept.: _____	Room: _____	_____

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.)



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 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.

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/SV-restraining-order>.

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 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 <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a gun?

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

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 school official 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](#).

Response to Petition for Private Postsecondary School Violence Restraining Orders

Clerk stamps date here when form is filed.

Use this form to respond to the Petition (form SV-100)

- Read How Can I Respond to a Petition for Private Postsecondary School Violence Restraining Orders? (form SV-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 petitioner or the petitioner’s lawyer by mail with a copy of this form and any attached pages. (Use form SV-250, Proof of Service of Response by Mail.)

Fill in court name and street address:

Superior Court of California, County of San Diego
CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101
EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

Case Number:

1 Petitioner (Educational Institution Officer or Employee)

Name:

2 Student Seeking Protection

Full Name:

3 Respondent (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 (You may give a mailing address if you want to keep your street address private; skip this if you have a lawyer.)

Address:

City: State: Zip:

Telephone: Fax:

Email Address:

4 Personal Conduct Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
I agree to the following orders (specify below or in item 11 on page 3):

5 Stay-Away Orders

- I agree to the orders requested.
I do not agree to the orders requested. (Specify why you disagree in item 11 on page 3.)
I agree to the following orders (specify below or in item 11 on page 3):

The court will consider your response at the hearing. Write your hearing date, time, and place from form SV-109, item 4 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 three years.



6 **Additional Protected Persons**

- a. I agree that the persons listed in item 4 of the Petition may be protected by the order requested.
- b. I do not agree that the persons listed in item 4 of the Petition may be protected by the order requested.

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

If you were served with form SV-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 8 of form SV-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) or firearm parts in your immediate possession or control within 24 hours of being served with form SV-110. You must file a receipt with the court. You may use *Receipt for Firearms and Firearm Parts* (form SV-800) for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*Explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 7b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.

- c. I have turned in my firearms (guns) and firearm parts to the police or sold them to or stored them with a licensed gun dealer.
A copy of the receipt is attached. has already been filed with the court.

8 **Other Orders**

- a. I agree to the orders requested.
- b. I do not agree to the orders requested. (*Specify why you disagree in item 11 on page 3.*)
- c. I agree to the following orders (*specify below or in item 11 on page 3*):

9 **Denial**

I did not do anything described in item 8 of form SV-100. (*Skip to 11.*)



1 You may need to ask for a new court date if:

- You are the petitioner and are unable to have *Notice of Court Hearing* (form [SV-109](#)) and other papers served in time before your court date.
- You are the respondent and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule your court date on a showing of good cause.)

2 What does form SV-115 do?

Use *Request to Continue Hearing* (form [SV-115](#)) to ask the court to reschedule your court date. If your court date is rescheduled and a *Temporary Restraining Order* (TRO; form [SV-110](#)) was granted, the TRO will be extended until the end of your new court date unless the court decides to modify or terminate it. “Extend” means to keep any temporary orders in effect until the new court date.

3 Follow these steps:

- Fill out all of form [SV-115](#).
- Fill out items **1** through **2** on *Order on Request to Continue Hearing* (form [SV-116](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk’s office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge signed form [SV-116](#), the court will give you a new court date. If the judge did NOT sign the form, you should go to court at the date, time, and location that is on form [SV-109](#).
- Next, file both forms SV-115 and SV-116 with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served with a copy of the court papers as described in item **6** on form [SV-116](#).
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form [SV-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk’s office before your court date.
- If the court reschedules your court date and extends the TRO to the new court date, the clerk will send the TRO to law enforcement. It will be entered into a statewide computer system that lets police know about the order so that it can be enforced.

4 Go to your court date

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. “Documents” may include exhibits, declarations, and financial statements, and the court may enter them into evidence at its discretion.
- If you are the petitioner and you do not go to your court date, the TRO will expire at the end of your new court date.
- If you are the respondent and you do not go to your court date, the court can still make orders against you that can last for up to three years.

5 Need help?

Ask the court clerk about free or low-cost legal help that may be available in your county.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

INSTRUCTIONS FOR REQUESTING TO CONTINUE HEARING ON RESTRAINING ORDER

Protected or restrained persons may request to continue the hearing on restraining order by following the process for the location where the hearing is scheduled as indicated below.

The following forms are required:

Civil Harassment

- Request to Continue Hearing (JC Form #CH-115)
- Order on Request to Continue Hearing (JC Form #CH-116)

Elder or Dependent Adult Abuse

- Request to Continue Hearing (JC Form #EA-115)
- Order on Request to Continue Hearing (JC Form #EA-116)

Gun Violence

- Request to Continue Court Hearing for Gun Violence Restraining Order (JC Form #GV-115)
- Order on Request to Continue Hearing (JC Form #GV-116)

Private Postsecondary School Violence

- Request to Continue Hearing (JC Form #SV-115)
- Order on Request to Continue Hearing (JC Form #SV-116)

Workplace Violence

- Request to Continue Hearing (JC Form #WV-115)
- Order on Request to Continue Hearing (JC Form #WV-116)

Parties may request to continue the hearing by either appearing on the day of the hearing or appearing ex parte prior to the scheduled hearing date.

Instructions for Appearing Ex Parte

Central Division

An ex parte hearing may be scheduled by calling (619) 450-7275 and requesting to be transferred to Department 61. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) to the courtroom clerk upon checking-in.

East County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

North County Division

An ex parte hearing may be heard on a walk-in basis. The required forms listed above must be submitted in the Business Office prior to 3:00 p.m.

South County Division

An ex parte hearing may be scheduled at the counter in the Business Office or by calling (619) 746-6200 the day before the requested hearing date. Notice of the ex parte hearing must be provided by a third party to the opposing party/attorney no later than 10:00 a.m. the court day prior to the ex parte appearance.

In addition to the required forms listed above, the requesting party must also complete and submit an Ex Parte Application (SDSC Form #ADM-252) and a declaration of notice and drop them off in the Ex Parte Box no later than 12:00 p.m. the day before the scheduled ex parte hearing.

Clerk stamps date here when form is filed.

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Name: _____

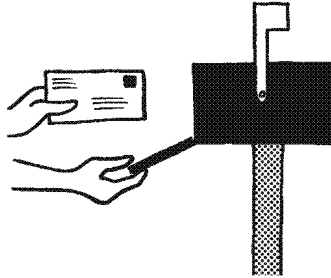
3 Respondent (Person From Whom Protection Is Sought)

Name: _____

4 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be the respondent.
- Mail a copy of all documents checked in **5** below to the petitioner or the petitioner's lawyer.
- Complete and sign this form and give it to the respondent.



Fill in court name and street address:

Superior Court of California, County of San Diego

- CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101
- EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020
- NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910

Fill in case number:

Case Number:

PROOF OF SERVICE BY MAIL

5 I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the petitioner or the petitioner's lawyer a copy of:

- a. Form SV-120, *Response to Petition for Private Postsecondary School Violence Restraining Orders* (completed)
- b. Other (specify): _____

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

- a. Mailed to (name): _____
- b. To this address: _____
City: _____ State: _____ Zip: _____
- c. On (date): _____ Mailed from: City: _____ State: _____

7 Server's Information

Name: _____ Telephone: _____

Address: _____

City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

What items do I need to turn in, sell, or store?

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). These may also be called “ghost guns.”

You also may not have or possess ammunition.

How do I properly turn in, sell, or store the prohibited items?

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

When do I have to turn in, sell, or store the prohibited items?

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

Who can I turn in, sell, or store the prohibited items with?

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

Where can I sell the prohibited items?

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

Do I have to pay a fee to store prohibited items?

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

How do I turn in the prohibited items to law enforcement?

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

Do not bring firearms to court.

If I turn in the prohibited items to law enforcement, how long will they keep them?

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

After I turn in the prohibited items to law enforcement, can I change my mind?

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

Do I have to prove that I have turned in, sold, or stored the prohibited items?

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use [Receipt for Firearms and Firearm Parts \(form SV-800\)](#) for this purpose.

Additional Questions?

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

Information about prohibited items and how to obey these orders is also available online.

See <https://selfhelp.courts.ca.gov/respond-to-SV-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]

Clerk stamps date here when form is filed.

--

Fill in court name and street address:

Superior Court of California, County of San Diego

- CENTRAL DIVISION, HALL OF JUSTICE,
330 W. BROADWAY, SAN DIEGO, CA 92101
- EAST COUNTY DIVISION,
250 E. MAIN ST., EL CAJON, CA 92020
- NORTH COUNTY DIVISION,
325 S. MELROSE DR., VISTA, CA 92081
- SOUTH COUNTY DIVISION,
500 3RD AVE., CHULA VISTA, CA 91910

Court fills in case number when form is filed.

Case Number:

--

1 Petitioner (Educational Institution Officer or Employee)

Name: _____

2 Student in Need of Protection

Full Name: _____

3 Respondent (Person From Whom Protection Is Sought)

Your Name: _____

Your Lawyer (if you have one for this case):

Name: _____ State Bar No.: _____

Firm Name: _____

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: _____

4 To the Respondent:

If a judge has ordered you to turn in, sell, or store your firearms (guns) and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete item **5** or **6**. For more information on how to properly turn in your items, read form SV-800-INFO, *How Do I Turn In, Sell, or Store My Firearms and Firearm Parts?*

5 To Law Enforcement(Complete the section below. Keep a copy and give the original to the person in **3**.)

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.b. List of items (List all the items surrendered by the person in **3**). You may attach a separate form from your agency (e.g., a property report), use item **7**, or both. Check below if you have attached a separate form): Separate form is attached. (If it does not include all surrendered items, list additional items in item **7**.)

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

▶ Signature of law enforcement agent: _____



6

To Licensed Gun Dealer

(Complete the section below. Keep a copy and give the original to the person in ③.)

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

a. Firearms and firearm parts transferred on:

Date: _____ Time: _____ a.m. p.m.

b. List of items (List all the items surrendered by the person in ③. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑦. Check below if you have attached a separate form):

Separate form is attached. (If it does not include all surrendered items, list additional items in item ⑦.)

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

▶ Signature of licensed gun dealer: _____

7

List of Items Surrendered

Firearms and firearm parts

	Make	Model	Serial Number, if there is one	Sold	Stored	To be destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write “SV-800, item 7” at the top, and attach it to this form.

7 To the Restrained Person:

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns) or firearm parts?

No

Yes (If yes, check one of the boxes below:)

a. I filed a *Receipt for Firearms and Firearm Parts* (form SV-800) or other proof for those items with the court on (date): _____

b. I am filing the proof for those firearms (guns) or firearm parts along with this proof.

c. I have not yet filed the proof for the other firearms (guns) or firearm parts.
(Explain why not):

Your signature

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 your name



Sign your name

Your Next Steps

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

Note that failure to file a receipt with the court is a violation of the court's order.