

**WV-120-INFO**

**How Can I Respond to a Petition for  
Orders to Stop Workplace Violence?**

**What is a workplace violence protective order?**

It is a court order that will prohibit you from doing certain things and going to certain places.

**What does the order do?**

The court can order you to:

- Not contact the employee who is protected by the order
- Stay away from that person and the person’s home, workplace, and other places
- Not have any guns as long as the order is in effect

**Who can ask for a workplace violence protective order?**

An employer can ask for an order on behalf of an employee who has suffered violence or a credible threat of violence at the workplace.

**I've been served with a petition to stop workplace violence. 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 do not 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 WV-120, *Response to Petition for Orders to Stop Workplace Violence*, before your hearing date and file it with the court. If you need to include attachments, you can use Form MC-025. Forms are available at the court clerk’s office or on the California Courts website: [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms).

**Do I have to serve the other person with a copy of my response?**

Yes. Have someone—**not you**—mail a copy of completed Form WV-120 to the person named in item 1 of the petition, Form WV-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 WV-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 WV-109, *Notice of Court Hearing*. If you do not go to court, the judge can make orders without hearing from you that last up to three years.

**WV-109 Notice of Court Hearing**

Click stamps date here when form is filed.

1 Petitioner (Employer)  
Name: \_\_\_\_\_

2 Employee in Need of Protection  
Full Name: \_\_\_\_\_

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

*The court will fill out the rest of this form.*  
**To the Respondent**

4 Notice of Hearing  
A court hearing is scheduled on the request for orders against you to stop harassment:

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

Fill in case number:  
Case Number: \_\_\_\_\_

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

If you want to respond to the request for orders in writing, file Form WV-120, *Response to Petition for Orders to Stop Workplace Violence*. Whether or not you respond in writing, go to the hearing. You may tell the court why you agree or disagree with the orders requested. You may bring witnesses and other evidence. At the hearing, the court may make restraining orders against you that could last up to three years and may order you to sell or turn in any firearms or ammunition that you own or possess.

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

a. Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, are *(check only one box below)*:

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. *(Reasons for denial are specified in item 5b, below.)*

(3)  Partly GRANTED and partly DENIED until the court hearing. *(Reasons for denial are specified in item 5b, below.)*

b. Reasons that Temporary Restraining Orders as requested in Form WV-100, *Petition for Orders to Stop Workplace Violence*, for personal conduct or stay away are denied are:

(1)  The facts as stated in Form WV-100 do not show a credible threat of violence in sufficient detail.

(2)  Other (specify):  As stated on Attachment 5b.

**This is a Court Order.**

Judicial Council of California, www.courts.ca.gov  
Revised January 1, 2012, Mandatory Form  
Code of Civil Procedure, §§ 527.8 and 527.9  
Approved by DOJ

**Notice of Court Hearing  
(Workplace Violence Prevention)**

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**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 after the hearing could last for up to three years.

**What about 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 employee at the court hearing?**

Yes. Assume that the employee will attend the hearing. Do not talk to him or her unless the judge or the employee's lawyer 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.

**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 cannot ask a child under age 18 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 employee to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it.

**What if I am deaf or hard of hearing?****For help in your area, contact:**

[Local information may be inserted]

**Request for Accommodations**

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). (Civil Code, § 54.8.)