

How to file for a Petition for Workplace Violence Restraining Orders



Step 1: Fill out court forms (For free forms online and additional info, visit www.courts.ca.gov)

- **Civil Case Coversheet (CM-010)**
- **Petition for Workplace Violence Restraining Orders (WV-100)**
 - For more space to describe each incident: Include **Attachment (MC-025)**
 - Attach other documents to support your request for protection e.g. Emergency Protective Order (EPO), police reports, medical reports, or photos of injuries or damage to property, threats made by text messages etc. *Redact any confidential information on your attachments.*
- **Notice of Court Hearing (WV-109)** (Items #1-3)
- **Temporary Restraining Order (WV-110)** (Items #1-4)
- **Confidential CLETS Information (CLETS-001)**

Step 2: Make copies of your forms (Remember to copy both sides of each document)

- Make 3 copies of **Petition for Workplace Violence Restraining Orders (WV-100)**
 - You do not need to make copies of: CM-010, WV-109; WV-110; CLETS-001. Submit your original copies only.

Step 3: File your completed paperwork at the Civic Center Courthouse at 400 McAllister Street, Civil Clerk's Office in Room 103

- Room 103, New Filings Window is located on the 1st floor and is open Monday-Friday, from 8:30 a.m. to 12:30 p.m.
- In the courthouse first-floor lobby, there is a drop-box available labeled CIVIL FILINGS to submit paperwork between 8:30 a.m. to 4:00 p.m. You may include a self-addressed stamped envelope if you would like the clerk to mail you your endorsed filed paperwork. Make sure there are sufficient stamps to mail the paperwork back to you.
- The clerk will file your **Petition (WV-100)** and will give you a copy of page 1 of your **Petition (WV-100)** Completed copies of your paperwork will be ready for pick-up after the judge's review and court processing. * (see Step 4)
- There is a filing fee \$ _____ plus a court reporter fee. Visit <https://www.sfsuperiorcourt.org/forms-filing/fees> for the most current fee schedule.
- Inquire with the ACCESS Center regarding your eligibility for a waiver of the filing fee.
- Your filing fee may be waived:
 - if you qualify for and receive a granted fee waiver
 - OR**
 - if the request is based on unlawful violence, stalking, or a credible threat of violence. However, if you allege unlawful violence, stalking, or a credible threat of violence but your **Temporary Restraining Order (WV-110)** is "DENIED Pending Hearing", you will be required to pay the filing fees before the court date.

Step 4: Pick-up your Temporary Restraining Order (WV-110) paperwork from the Civil Clerk's Office in Room 103. *Inform the Sheriff's Deputies in the Lobby that you are here to pick up your Temporary Restraining Order.

- **Note:** Your court documents will be a public record and the Restrained Party will receive copies of your paperwork. Do not provide your telephone number on your court papers if that would pose a safety issue.
- If you filed your **Petition (WV-100)** *before* 10:00 a.m., your **Temporary Restraining Order (WV-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 1 the same day. (Enter pick-up date: _____)
- If you filed your **Petition (WV-100)** *after* 10:00 a.m., your **Temporary Restraining Order (WV-110)** will be ready between 2:30 p.m. and 4:00 p.m. for pick-up from the Civil Clerk's Office in Room 103, Window 1 the next court day. (Enter pick-up date: _____)

Step 5: Have a 3rd party "server" give the filed paperwork to the Restrained Party.

- You must have someone personally hand a copy of the court documents to the Restrained Party no later than 5 calendar days before the hearing date. (Enter date of service deadline: _____)
- Your "server" must serve a copy of WV-100, WV-109, WV-110, WV-120-INFO, blank WV-120, blank WV-250 (labeled "Defendant's copy") to the Restrained Party. **Important:** All these documents must be served at the same time.
 - The "server" can be a friend, relative, professional process server, or a Sheriff's Deputy.
 - He/she/they: must be 18 years or older, may not be a party to your case, and may not be a witness in your case.
 - You may request that the Sheriff's Department serve the Restrained Party. The Sheriff's Department charges \$40 for service of process. It is possible that the Sheriff's Department can serve your paperwork for **no fee** if you have an approved fee waiver or if it is indicated on your **Temporary Restraining Order (WV-110)**. Inquire with the ACCESS Center to assist you with a **Fee Waiver (FW-001 and FW-003)**. The San Francisco Sheriff's Department is located at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 456, San Francisco, CA. **Note:** Each county's Sheriff's Department can only serve within its own county.
- Your server must:
 - 1) Give paperwork to the Restrained Party
 - 2) **Complete the Proof of Service (WV-200)**
 - 3) Date, print and sign name
 - 4) Return the Original copy of the completed **Proof of Service (WV-200)** to you.

Step 6: File the Proof of Service (WV-200)

- As soon as possible, you must file the Original plus one copy of the completed **Proof of Service (WV-200)** at the Civil Clerk's Office in Room 103, Subsequent Filings Window. * (see Step 3 for filing instructions. Be sure to include a self-addressed and stamped envelope to receive your copy.)
- If you cannot file the **Proof of Service (WV-200)** before the court hearing, be sure to bring it to the court hearing.
- If the Sheriff's Department serves the paperwork, they will file their own Proof of Service.
- This document is proof to the judge that you have provided notice to the Restrained Party that you are requesting orders restraining orders against him/her/them.

Step 7: Attend your hearing. Date: _____ **Time:** _____ **Location:** _____

- Attend your court hearing. The date, time and location of your hearing will be on your court papers.
- Bring copies of your filed court documents.
- Bring a copy of your filed **Proof of Personal Service (WV-200)**, which is your proof that you notified the Restrained Party of the court date. **Important:** Without the **Proof of Personal Service (WV-200)**, the Temporary Restraining Order (DV-110) is not enforceable.
- The Judge will not be able make any permanent orders in your case if there is no Proof of Personal Service at the time of the hearing. If you do not attend your hearing the **Temporary Restraining Order (WV-110)** will expire on that day.

You may encounter problems with Service of Process.

What do I do if I am unable to have the Restrained Person served before the court hearing?

If you are unable to serve the person to be restrained before your court hearing, you must fill out the forms, **Request to Continue Hearing (WV-115)** and **Order on Request to Continue Hearing (WV-116)** to continue your court hearing. These forms must be submitted to the Court at least 2 days BEFORE the court hearing for the Judge's review and signature, or you must appear at the court hearing to request a continuance (new court date.) For assistance, visit the ACCESS Center at <https://sfsuperiorcourt.org/self-help>