

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name & Address</i>): Telephone No.: _____ Fax No. (Optional): _____ E-Mail Address (Optional): _____ ATTORNEY FOR (<i>Name</i>): _____ Bar No: _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE JUSTICE CENTER: <input type="checkbox"/> Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595 <input type="checkbox"/> North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500 <input type="checkbox"/> West - 8141 13 th Street, Westminster, CA 92683-4593	
PETITIONER: RESPONDENT:	
NOTICE OF MOTION AND MOTION FOR ORDER <input type="checkbox"/> TO MODIFY ORDER <input type="checkbox"/> TO TERMINATE RESTRAINING ORDER/INJUNCTION Civil Harassment, Workplace Violence, Transitional Housing, Private Postsecondary School Violence	CASE NUMBER:

NOT TO BE USED FOR DOMESTIC VIOLENCE

Date of Hearing: _____ **Time:** _____ **Dept.:** _____

- I request that the court make an order to modify the Restraining Order/Injunction Prohibiting Harassment. Amended order attached.
- I request that the court make an order to terminate the Restraining Order/Injunction Prohibiting Harassment. An order to Terminate Restraining Order/Injunction Prohibiting Harassment is attached.

DECLARATION

I am the petitioner respondent in this action.

- I am asking the court to modify the Restraining Order/Injunction Prohibiting Harassment as follows:

I have revised and attached:

- Form CH-130 – *Civil Harassment Restraining Order after Hearing*
 Form WV-130 – *Workplace Violence Restraining Order after Hearing*
 Form TH-130 – *Order after Hearing (Transitional Housing Misconduct)*
 Form SV-130 – *Private Postsecondary School Violence Restraining Order After Hearing*

in accordance to the instructions provided on page 2 of this form. I realize that I will need to serve a copy of any corrected order to the agencies that I listed on my original order.

- I am asking the court to terminate the Restraining Order to Stop Harassment for the following reason(s):

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

Date:

 (TYPE OR PRINT NAME)

 (SIGNATURE OF DECLARANT)

**INSTRUCTIONS FOR FILING AND SERVING THIS NOTICE OF MOTION
-NOT TO BE USED FOR DOMESTIC VIOLENCE-**

The following information is intended only as a guideline to assist you in making your motion to the court. Delivery or mailing of the motion to the other side is called 'service' of the motion. This form does not take the place of reading the required code sections or rules of court. You are still expected to know the law that applies to your motion. It is recommended that you seek the advice of an attorney.

1. How is notice given?

Code of Civil Procedure (CCP) section 1005 (b) states that the motion must be personally delivered to each opposing side at least 16 court days before the hearing on the motion, OR mailed to each opposing side at least 16 court days plus 5 calendar days before the hearing on the motion. Service is extended if served outside California or the United States. The motion must be filed with the court at least 16 court days before the hearing.

Service can only be done by an adult 18 years or older who is NOT a party to the case. The person serving the document must complete and sign the proof of service form located below.

2. How do I obtain the correct department, date and time for the hearing?

You can find the information on the court's website at www.occourts.org or contact the clerk at the Justice Center where your case is filed. Make sure you choose a date that is within the time frame of CCP 1005.

3. Is there a filing fee for the Motion?

Yes, check the current Court fee schedule. If you cannot afford the filing fee, you may qualify for a waiver of court fees and costs.

4. How do I obtain an Order?

You must have your proposed order prepared and ready for the judge to sign. If you are changing an existing order, use the appropriate Judicial Council form (i.e. CH-130, WV-130, TH-130, or SV-130) and type or write the word "AMENDED" in front of the form title (located at the top and the bottom of the form). For example: **AMENDED** Civil Harassment Restraining Order after Hearing.

If you are requesting the Court to terminate the Restraining Order, you will need to use the local Court form, L 1281, *Order to Terminate Restraining Order/Injunction*.

PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served this Notice of Motion and Motion for Order to Modify or Terminate Restraining Order/Injunction-as follows:
 - a. **Personal delivery.** I personally delivered the above mentioned document as follows:
 - (1) Name of person served:
 - (2) Address where served:
 - (3) Date served:
 - (4) Time served:
 - b. **Mail.** I deposited the above mentioned document in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (1) Name of person served:
 - (2) Address:
 - (3) Date of mailing:
 - (4) Place of mailing (city and state):
 - (5) I am a resident of or employed in the county where this mailing took place. My residence or business address is (specify):

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)