

	Civil Harassment (CCP §527.6)	Workplace Violence (CCP § 527.8)
Proof	TRO: <i>Reasonable proof</i> of harassment by respondent, and great or irreparable harm would result to petitioner (§527.6(d)) Order After Hearing: <i>Clear & convincing evidence</i> that unlawful harassment exists (§527.6(i)) and conduct is likely to continue unless restraining order is issued. (<i>Russell v. Douvan</i> (2003) 112 Cal.App.4th 399).	TRO: <i>Reasonable proof</i> of unlawful violence or credible threat of violence by respondent, and great or irreparable harm would result to employee (§527.8(e)) Order After Hearing: <i>Clear & convincing evidence</i> (§527.8(j))
Action	Petitioner has suffered harassment (CCP §527.6(b)(3)): <ul style="list-style-type: none"> • <i>Unlawful violence</i> – assault, battery, or stalking¹; not lawful self-defense or defense of others (§527.6(b)(7)), or • <i>Credible threat of violence</i> – knowing & willful statement or course of conduct that would place reasonable person in fear for self or immediate family, and serves no legitimate purpose (§527.6(b)(2)), or • <i>Knowing & willful course of conduct</i> directed at specific person that seriously alarms, annoys, or harasses person & that serves no legitimate purpose (§527.6(b)(3)) <ul style="list-style-type: none"> ▪ “Course of conduct” is pattern of conduct composed of series of acts over period of time, however short, evidencing continuity of purpose (§527.6(b)(1)) ▪ Conduct would cause reasonable person to suffer substantial emotional distress, & actually caused petitioner substantial emotional distress (§527.6(b)(3)) 	Employee has suffered unlawful act of violence or credible threat of violence from any person that can be reasonably construed to be carried out or to have been carried out at workplace (CCP §527.8(a)) <ul style="list-style-type: none"> • <i>Credible threat of violence</i> – knowing & willful statement or course of conduct that would place reasonable person in fear for self or immediate family, and serves no legitimate purpose, §527.8(b)(2). • <i>Course of conduct</i> – pattern of conduct composed of series of acts over time, however short, evidencing continuity of purpose, including following or stalking employee to/from workplace; entering workplace; following employee during work hours; making telephone calls to employee; sending correspondence by any means, including, use of public, private or interoffice mails, fax, or computer e-mail. (§527.8(b)(1))
Who Can Petition	<ul style="list-style-type: none"> • No relationship between petitioner and respondent required. • Minor under 12 needs CCP §374 GAL (§527.6(a)(2)) • Minor 12 and up does not need GAL (CCP §372(b)(1)(A)) 	<ul style="list-style-type: none"> • Employer files on behalf of employee (§527.8(a)). (Employer/employee defined per Labor Code §350 (§527.8(b)(3))) • Minor 12 and up does not need GAL (CCP§372(b)(1)(B))
Who Can Be Protected	Petitioner, and in discretion of court and for good cause, all family or household members (§527.6(c))	Employee, and in discretion of court and for good cause, family or household members & others employed at workplace or other workplaces (§527.8(d))
Mutual Orders	Respondent may file cross-petition. (§527.6(h))	
Orders	<ul style="list-style-type: none"> • Personal conduct, no contact, and stay away orders (§527.6(b)(6)(A)) & §527.8(b)(6)(A)), but not residence exclusion (<i>Marquez-Luque v. Marquez</i> (1987) 192 Cal.App.3d 1513) • Other restraints on behavior court determines necessary to effectuate orders (§527.6(b)(6)(B) & §527.8(b)(6)(B)) • Pets: care, stay away, personal conduct, no dispose of (authorized in civil harassment only §527.6(b)(6)(A)(i-ii)) • Firearms/ammunition: no own/possess; relinquish those owned (§527.6(u), §527.8(r), §527.9 & Penal §29830) • Attorney’s fees/costs for prevailing party (specifically authorized in civil harassment only §527.6(s)) 	
Duration	TRO: 21 days; 25 days if good cause (§527.6(f) & (g)) Order After Hearing: not more than 5 years (§527.6(j)(1)); if order is silent, 3 years (§527.6(j)(2)). Renewal: For not more than 5 years upon request of party, w/out showing of further harassment since issuance of original order; brought w/in 3 months of expiration (§527.6(j)(1))	TRO: 21 days; 25 days if good cause (§527.8(g) & (h)) Order After Hearing : not more than 3 years (§527.8(k)) Renewal: For not more than 3 years upon request of party, w/out showing of further violence/threat since issuance of original order; brought w/in 3 months of expiration (§527.8(k)(1))
Notice	TRO: personal service at least 5 days before hearing (§527.6(m) & §527.8(m)) Answer: respondent may file response that explains, justifies or denies alleged harassment (§527.6(h) & §527.8(i)) Modification/termination: personal service on protected party at least 16 days in advance of hearing (CCP §1005) to terminate or modify restraining order prior to expiration date; protected party may waive notice if present and does not challenge sufficiency of notice. (§527.6(j)(3), §527.8(k)(3))	
Continuance	Respondent: entitled to one continuance, for reasonable period, to respond to petition. (§527.6(o) & §527.8(o)) Either party: for good cause; request in writing before hearing, or orally at hearing; or on court’s own motion. (§527.6(p)(1) & §527.8(p)(1))	
Fees	Filing: <ul style="list-style-type: none"> • No filing fee for petition that alleges that respondent has 1) inflicted or threatened violence against petitioner/ employee, 2) stalked petitioner/employee (Penal Code §646.9), or 3) acted or spoken in manner that has placed petitioner/employee in reasonable fear of violence. (§527.6(y) & §527.8(w)) • No fee for filing response to petition alleging these acts. (§527.6(y) & §527.8(w)) Service <ul style="list-style-type: none"> • No fee for service by law enforcement if 1) order based on stalking, or 2) order based on unlawful violence or credible threat of violence. (§527.6(z) & §527.8(x)) 	
Priorities for Enforcement Penal Code §§ 136.2(c) and (e)	<ul style="list-style-type: none"> • Emergency Protective Order (EPO), if more restrictive and if same parties • Any no contact provision in any restraining order, whether criminal or civil • A criminal protective order (CPO) 	