

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

**RETAIL CRIME
RESTRAINING ORDER
RESPONDENT PACKET**



FORMS INCLUDED IN THIS PACKET

How Can I Respond to a Petition for Retail Crime Restraining Order?	Judicial Council Form #RT-120-INFO
Response to Petition for Retail Crime Restraining Order	Judicial Council Form #RT-120
Attachment to Judicial Council Form	Judicial Council Form #MC-025
Proof of Service by First-Class Mail - Civil	Judicial Council Form #POS-030

These instructions cannot cover all of the questions that may arise in a particular case. If you do not know what to do to protect your rights, you should see a lawyer.

What is a retail crime restraining order?

It is a court order that prohibits you from doing certain things and going to certain places. It can be issued after a criminal conviction or as a civil order after two or more arrests or citations for certain retail theft crimes. This information sheet covers civil orders only.

Do I need a lawyer?

Having a lawyer is recommended, but it is not required. You are entitled to court-appointed counsel. If you wish to request court-appointed counsel, fill out items ①, ②, and ③ on form RT-120. You can also ask the court clerk about free and low-cost legal services and self-help centers in your county.

What does the order do?

The court can order a person not to enter or be on the grounds of a business.

Who can ask for a retail crime restraining order?

- A prosecuting attorney
- A city attorney
- A lawyer for the county counsel
- A lawyer representing a retail business

I've been served with a petition for retail crime restraining order. 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.

What if I don't agree with the request?

If you disagree with the orders the person is asking for, fill out form [RT-120](#), *Response to Petition for Retail Crime Restraining Order*, 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 courts.ca.gov/rules-forms/find-your-court-forms. Your lawyer also may be able to find them at your local courthouse or county law library.

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

Yes. Have someone age 18 or older, who is not involved in this case, mail a copy of completed form RT-120 to the person who asked for the order. (This is called “service by mail.”)

The person who serves the form by mail should fill out form [POS-030](#), *Proof of Service by First-Class Mail—Civil*. 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. Even if you do not file a response you should go to court on the date listed on form [RT-109](#), *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without you being present.

How long does the order last?

Any order issued at the hearing can last up to two years.

What if I don't obey the order?

The police can arrest you. You may go to jail and have pay a fine.

Will I see the person who asked for the order at the court hearing?

Yes. Assume that the business that is asking for the order will send someone to the hearing. Do not talk to that person unless the judge says that you can.

Do I have to pay a filing fee?

Yes, but if you cannot afford to pay the filing fee, ask the clerk how to apply for a fee waiver. Form [FW-001](#) is available for this purpose. Also, if you are eligible for a fee waiver, you can ask the sheriff or marshal to serve your papers for free. If you are not eligible for free service, you may pay the sheriff or marshal to serve your papers.

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 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 selfhelp.courts.ca.gov/request-interpreter.

Can I agree with the business to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the person who requested the order 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*.

For help in your area, contact:

[Local information may be inserted.]

**Use this form to request court-appointed counsel and to
respond to the petition (form RT-100)**

- To request court-appointed counsel, fill out ①, ②a, and ③ of this form, sign the declaration on page 3, and take it to the court clerk. **Do not fill out the other items if you are requesting court-appointed counsel.**
- Have someone age 18 or older, who is not involved in this case, serve the person in ① by mail with a copy of this form and any attached pages.
- Read *How Can I Respond to a Petition for Retail Crime Restraining Order?* (form [RT-120-INFO](#)) for information about service and other next steps.

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 Retail Establishment**

Name (see form RT-100, item ①): _____

DBA (if applicable): _____

Write your hearing date, time, and place from
form RT-109, item ③, here:

Hearing Date	→ Date: _____	Time: _____
	Dept.: _____	Room: _____

② Respondent

a. Your Name: _____

b. Your Lawyer (if you have one for this case)

Name: _____ State Bar No.: _____

Firm Name: _____

c. 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: _____

③ ☐ Request for Counsel

I request court-appointed counsel to represent me in this case.



6 ☐ **No Fee for Filing and Service**

I request that I not be required to pay the filing fee and that the sheriff or marshal serve my papers for free because I am eligible for a fee waiver. (Form [FW-001](#), Request to Waive Court Fees, *must be filed separately.*)

7 Number of pages attached to this form, if any: _____

Date: _____

Lawyer's name (if any)

▶ _____
Lawyer's signature

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

Date: _____

Type or print your name

▶ _____
Sign your name

SHORT TITLE:

CASE NUMBER:

ATTACHMENT (Number): _____

*(This Attachment may be used with any Judicial Council form.)**(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)*

Page _____ of _____

(Add pages as required)

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:
3. On *(date)*: I mailed from *(city and state)*:
the following **documents** *(specify)*:

4. I served the documents by enclosing them in an envelope and (*check one*):

a. ☐ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.

b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

5. The envelope was addressed and mailed as follows:

a. **Name** of person served:

b. **Address** of person served:

Date:

(SIGNATURE OF PERSON COMPLETING THIS FORM)

INFORMATION SHEET FOR PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

(This information sheet is not part of the Proof of Service and does not need to be copied, served, or filed.)

NOTE: This form should **not** be used for proof of service of a summons and complaint. For that purpose, use *Proof of Service of Summons* (form POS-010).

Use these instructions to complete the *Proof of Service by First-Class Mail—Civil* (form POS-030).

A person over 18 years of age must serve the documents. There are two main ways to serve documents:

(1) by personal delivery and (2) by mail. Certain documents must be personally served. You must determine whether personal service is required for a document. Use the *Proof of Personal Service—Civil* (form POS-020) if the documents were personally served.

The person who served the documents by mail must complete a proof of service form for the documents served. **You cannot serve documents if you are a party to the action.**

INSTRUCTIONS FOR THE PERSON WHO SERVED THE DOCUMENTS

The proof of service should be printed or typed. If you have Internet access, a fillable version of the Proof of Service form is available at www.courtinfo.ca.gov/forms.

Complete the top section of the proof of service form as follows:

First box, left side: In this box print the name, address, and telephone number of the person *for* whom you served the documents.

Second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. The address for the court should be the same as on the documents that you served.

Third box, left side: Print the names of the Petitioner/Plaintiff and Respondent/Defendant in this box. Use the same names as are on the documents that you served.

First box, top of form, right side: Leave this box blank for the court's use.

Second box, right side: Print the case number in this box. The case number should be the same as the case number on the documents that you served.

Complete items 1–5 as follows:

1. You are stating that you are over the age of 18 and that you are not a party to this action. You are also stating that you either live in or are employed in the county where the mailing took place.
2. Print your home or business address.
3. Provide the date and place of the mailing and list the name of each document that you mailed. If you need more space to list the documents, check the box in item 3, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)), and attach it to form POS-030.
4. For item 4:
Check box a if you personally put the documents in the regular U.S. mail.
Check box b if you put the documents in the mail at your place of business.
5. Provide the name and address of each person to whom you mailed the documents. If you mailed the documents to more than one person, check the box in item 5, complete the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (form POS-030(P)), and attach it to form POS-030.

At the bottom, fill in the date on which you signed the form, print your name, and sign the form. By signing, you are stating under penalty of perjury that all the information you have provided on form POS-030 is true and correct.