6-05/400.40 Orders Restraining Violence and Stalking

A pre-paid fee deposit is not charged to serve the following orders:

a. Protective order, temporary restraining order or injunction issued in a civil harassment action based upon stalking

b. Protective order, temporary restraining order or injunction issued in a civil harassment action based upon a credible threat of violence resulting from a threat of sexual assault

c. Protective order, temporary restraining order or injunction issued in an action pursuant to the Domestic Violence Prevention Act

d. Notice of Hearing (no Temporary orders issued) alleging anything listed in a, b, or c. (Los Angeles Superior Court only)

CCP 527.6 (cited in part) (z) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall not be a fee for the service of process by a sheriff or marshal of a protective or restraining order to be issued, if either of the following conditions apply:

(A)The protective or restraining order issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

(B)The protective or restraining order issued pursuant to this section is based upon unlawful violence or a credible threat of violence.

(2) The Judicial Council shall prepare and develop forms for persons who wish to avail themselves of the services described in this subdivision.

GC 6103.2 (cited in part) (4) The requirement for prepayment of a fee deposit does not apply to orders or injunctions described in paragraph (1) of subdivision (x) of Section 527.6, paragraph (1) of subdivision (w) of Section 527.8, or paragraph (1) of subdivision (w) of Section 527.85 of the Code of Civil Procedure, Division 10 (commencing with Section 6200) of the Family Code (Prevention of Domestic Violence), Division 3.2 (commencing with Section 18100) of Title 2 of Part 6 of the Penal Code (Gun Violence Restraining Orders), and Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code (Elder Abuse and Dependent Adult Civil Protection Act).

However, a sheriff or marshal may submit a billing to the superior court for payment of fees in the manner prescribed by the Judicial Council irrespective of the in fee waiver status of any party under Rules 3.50 to 3.58, inclusive, of the California Rules of Court. The fees for service, cancellation of service, and making a not found return may not exceed the amounts provided in GC 26721, 26736, and 26738, respectively, and are subject to the provisions of GC 26731.