

# **ELDER ABUSE**

## **Civil Law**

### **- Packet A -**

#### **Forms Instructions for Your First Elder Abuse Hearing**

##### What you will find in this packet:

- **Interpreter Request (MC-300e&s)**
- **Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me? (EA-100-INFO)**
- **Instructions - After Your Application Has Been Signed (EA-150a-INFO)**

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

# Superior Court of California, County of Contra Costa

## Interpreter Request

If you need an interpreter, please complete the form below and submit it to any Filing Window or courtroom.

Case Number: \_\_\_\_\_

**Case Type:**

<input type="checkbox"/> Criminal	<input type="checkbox"/> Small Claims – (\$12,500 or less)
<input type="checkbox"/> Traffic	<input type="checkbox"/> Civil - <input type="checkbox"/> \$25,000 <input type="checkbox"/> over \$25,000
<input type="checkbox"/> Civil Harassment	<input type="checkbox"/> Civil – Other _____
<input type="checkbox"/> Conservatorship	<input type="checkbox"/> Family Law
<input type="checkbox"/> Proceedings to terminate parental rights	<input type="checkbox"/> Unlawful Detainer
<input type="checkbox"/> Dependent Adult Abuse	<input type="checkbox"/> Guardianship
<input type="checkbox"/> Juvenile	<input type="checkbox"/> Elder Abuse

Party Requesting Interpreter: \_\_\_\_\_

Is interpreter for a witness?  Yes  No

Phone Number(s) where party can be reached: \_\_\_\_\_

Date of Hearing: \_\_\_\_\_ Time of Hearing: \_\_\_\_\_

Department: \_\_\_\_\_ Location:  Martinez  Pittsburg  Richmond  Walnut Creek

Language Needed:  Spanish  Mandarin  Cantonese  Vietnamese

Other: \_\_\_\_\_

To avoid the risk that your hearing will have to be postponed, please submit this form a minimum of one week in advance.

Current information about this program is available at our website:  
[www.cc-courts.org/interpreter](http://www.cc-courts.org/interpreter)

# Superior Court of California, County of Contra Costa

## **Solicitud Para Intérprete**

Si necesita un intérprete, favor completar este formulario y presentarlo en cualquier ventanilla para archivar documentos o con la secretaría del tribunal.

Número de Caso: \_\_\_\_\_

**Tipo de Caso:**

<input type="checkbox"/> Criminal	<input type="checkbox"/> Demanda Civil – (\$12,500 o menos)
<input type="checkbox"/> Tráfico	<input type="checkbox"/> Demanda Civil -
<input type="checkbox"/> Acoso Civil	<input type="checkbox"/> \$25,000 <input type="checkbox"/> más de \$25,000
<input type="checkbox"/> Conservador	<input type="checkbox"/> Civil – otro tipo _____
<input type="checkbox"/> Casos para Terminar Derechos de Madre o Padre	<input type="checkbox"/> Casos de Familia
<input type="checkbox"/> Abuso de Adultos Incapacitados	<input type="checkbox"/> Juicio de Desalojo
<input type="checkbox"/> Tribunal de Menores	<input type="checkbox"/> Tutela
	<input type="checkbox"/> Abuso de Personas Mayores

Persona que Necesita Intérprete: \_\_\_\_\_

Marque aquí si esta persona es un testigo

Número Telefónico: \_\_\_\_\_

Fecha de la Audiencia Judicial: \_\_\_\_\_ Hora: \_\_\_\_\_

Departamento: \_\_\_\_\_ Ciudad:  Martinez  Pittsburg  Richmond  Walnut Creek

Idioma Solicitado:  Español  Mandarín  Cantonés  Vietnamita

Otro Idioma: \_\_\_\_\_

Para evitar la posibilidad que su audiencia sea aplazada, favor de presentar este formulario al menos una semana antes de la fecha de su audiencia.

Información actualizada acerca de este servicio se encuentra en nuestra página web:  
[www.cc-courts.org/interpreter](http://www.cc-courts.org/interpreter)

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 restraining order?

It is a court order that helps protect people from being abused.

## Can I get a restraining order?

If you are a person 65 years or older or a dependent adult, you can ask for a restraining order if you have been or are being:

- Physically abused
- Financially abused
- Mentally or emotionally abused
- Neglected
- Abandoned or abducted
- Isolated, or
- Deprived by a caregiver of goods or services you needed to avoid harm or suffering

## How will the order help me?

The court can order a person to:

- Not physically abuse, harass, hit, or threaten you
- Not contact or go near you, and
- Not have any firearms (guns), firearm parts, ammunition, or body armor. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items a restrained person cannot have, please see [selfhelp.courts.ca.gov/restraining-orders/prohibited-items](http://selfhelp.courts.ca.gov/restraining-orders/prohibited-items).

You can also ask for protection for people who live with you and family members.

## Who can apply for an elder or dependent adult abuse restraining order?

In addition to the elder or dependent adult, the following persons may apply for a restraining order on behalf of the elder or dependent adult:

- A conservator or trustee of the elder or dependent adult
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney
- A person appointed as a guardian ad litem for the elder or dependent adult
- Any other person legally authorized to seek such relief.

## How much does it cost?

There is no fee for filing a request for a restraining order. You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

The court can make the person who loses the case pay all the court fees and the lawyer's fees for the other party.

## What forms do I need to get the order?

You must fill out all of form [EA-100, Request for Elder or Dependent Adult Abuse Restraining Orders](#), and form [CLETS-001, Confidential CLETS Information](#). If you need attachments, you may use form [MC-025, Attachment](#). You must also fill out items 1 and 2 on form [EA-109, Notice of Court Hearing](#), and items 1, 2, and 3 on form [EA-110, Temporary Restraining Order](#).

## Where can I get these forms?

You can get the forms from legal publishers or from the California Courts website at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). You also may be able to find them at your local courthouse or county law library.

## What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.) At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.

## How soon can I get the order?

If you ask for a temporary restraining order, the court will decide within 24 hours whether or not to make the order. Sometimes the court decides sooner. Ask whether you should wait or come back later to get the signed *Notice of Court Hearing* and *Temporary Restraining Order*.



## How long does the order last?

If the court makes a temporary order, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. The order could last for up to five years.

## How will the person to be restrained know about the order?

Someone age 18 or older—not you or anyone else to be protected by the order—must “serve” (give) the person to be restrained a copy of the order. The server must then fill out form [EA-200](#), *Proof of Personal Service*, and give it to you to file with the court. For help with service, ask the court clerk for form [EA-200-INFO](#), *What Is “Proof of Personal Service”?*

## What if the restrained person does not obey the order?

Call the police. The restrained person can be arrested and charged with a crime.

## Do I have to go to court?

Yes. Go to court on the date the clerk gives you.

## Do I need to bring a witness to the court hearing?

Witnesses are not required, but it helps to have more proof of the abuse than just your word. You can bring:

- Witnesses
- Written statements from witnesses made under oath
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, emails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring their written statements under oath to the hearing. (You can use form [MC-030](#) for this.)

## Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

## Will I see the restrained person at the court hearing?

If the person comes to the hearing, yes. But that person does not have the right to speak to you. If you are afraid, tell the court officer.

## Can I bring someone with me to court?

Yes. You can bring someone to sit with you during the hearing. But that person cannot speak for you in court. Only you or your lawyer (if you have one) can speak for you.

## 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](http://selfhelp.courts.ca.gov/request-interpreter).

EA-109	Notice of Court Hearing	Clerk stamps date here when form is filed.
<p><b>① Elder or Dependent Adult in Need of Protection</b></p> <p>a. Full Name: _____  <input type="checkbox"/> Person requesting protection for the elder or dependent adult, if different (person named in item ③ of form EA-100):          Full Name: _____          Lawyer for person named above (if any for this case):          Name: _____ State Bar No.: _____          Firm Name: _____</p> <p>b. Address for person named above (If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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: _____</p> <p><b>② Person You Want Protection From</b>          Full Name: _____</p> <p><b>③ Notice of Hearing</b>          The court will complete the rest of this form.          A court hearing is scheduled on the request for restraining orders against the person in ②:          Name and address of court if different from above:          Hearing Date: _____ → Date: _____ Time: _____          Dept.: _____ Room: _____</p> <p>To the person in ②:          • If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.          • If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.</p> <p><b>④ Temporary Restraining Orders</b> (Any orders granted are on form EA-110, served with this notice.)          a. Temporary Restraining Orders for personal conduct and stay-away orders as requested in form EA-100, <i>Request for Elder or Dependent Adult Abuse Restraining Orders</i>, are (check only one box below):          (1) <input type="checkbox"/> All GRANTED until the court hearing.          (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.)          (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)</p>		

**What if the restrained person's abuse caused me to owe money or debts?**

If the restrained person's financial abuse caused you to have certain debts or bills (such as using your name to open a credit card and make purchases that you didn't agree to), you can ask the judge to make a special decision or finding that the restrained person caused you to have the debts or bills. This special finding may be helpful if you are sued for the debts or bills.

**Information about the process is also available online.**

See [selfhelp.courts.ca.gov/EA-restraining-order](http://selfhelp.courts.ca.gov/EA-restraining-order).

**For help in your area, contact:**

*[Local information may be inserted.]*

**Can I agree with the restrained person to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. You or the restrained person 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](#).

**INSTRUCTIONS**  
**RESTRAINING ORDERS – ELDER ABUSE**  
Department 57  
725 Court Street, Room 102, Martinez

1. To have your Elder Abuse Restraining Order request considered, please submit completed paperwork to Department 57 at the Wakefield Taylor Courthouse, located at 725 Court St. in Martinez, between the hours of 9:00 a.m. and 10:30 a.m. Monday – Friday, except for court holidays.

Elder Abuse Restraining Order requests **are only reviewed and signed during these specific hours.**

**COMPLETE THE FOLLOWING ATTACHED FORMS:**

- Request for Orders to Stop Elder or Dependent Adult Abuse (EA-100)
- Temporary Restraining Order (EA-110)
- Notice of Hearing (EA-109) **\*Top portion only\***

**AFTER YOUR APPLICATION HAS BEEN SIGNED YOU MUST:**

2. Signed orders may be picked up and filed Monday – Friday between the hours of 8:00 a.m. to 3:00 p.m. at the Clerk's window in Room 103 of the Wakefield Taylor Building, at 725 Court St., Martinez, except for court holidays. The court will call you when the orders are ready.
3. You must now have the defendant served. Anyone over the age of 18, who is NOT a party to the action, may serve the defendant. The defendant must be personally served with a copy of the Request for Elder or Dependent Adult Abuse Restraining Orders (EA-100), the Notice of Hearing (EA-109), and Temporary Restraining Order (EA-110) at least five (5) days before the hearing date, unless the court orders a shorter period.
4. The court will submit the Request for Elder or Dependent Adult Abuse Restraining Orders (EA-100), Notice of Hearing (EA-109), and Temporary Restraining Order (EA-110) to the police agencies listed in the Order. You may submit a duplicate copy to your local law enforcement agency.
5. After the defendant has been served with the papers, the person who served the papers MUST complete the Proof of Personal Service (EA-200). Please pay particular attention to this form. If it is not correctly filled out, the court cannot proceed on the hearing date. Make sure the person who serves the defendant enters the date, prints his/her name AND signs his/her name at the bottom of the form.
6. The Proof of Personal Service MUST be filed prior to the court date (Clerk's office, Room 103). Do not mail it in. If you cannot file the Proof of Service before the court date, bring it with you to the hearing. The Court CANNOT PROCEED WITHOUT THIS DOCUMENT.
7. Between now and the hearing date, read all the instructions in the packet of forms. The court will prepare the Order After Hearing (EA 130).

# **ELDER ABUSE**

## **Civil Law**

### **- Packet B -**

#### **Forms for Your First Elder Abuse Hearing**

What you will find in this packet:

- **Request for Elder or Dependent Adult Abuse Restraining Orders (EA-100)**
- **Temporary Restraining Order (CLETs-TEA or TEF) (EA-110)**
- **Confidential Information for Law Enforcement (CLETs-001)**
- **Notice of Court Hearing (EA-109)**

***You Can Get Court Forms FREE at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)***

Clerk stamps date here when form is filed.

Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form [EA-100-INFO](#)) before completing this form. Also fill out *Confidential CLETS Information* (form [CLETS-001](#)) with as much information as you know.

### 1 Elder or Dependent Adult in Need of Protection

Full Name: \_\_\_\_\_

Gender:  M  F  Nonbinary Age: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

### 2 Person From Whom Protection Is Sought

Full Name: \_\_\_\_\_

Address (if known): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

### 3 Person Requesting Order

Who is asking the court for protection? (Check a, b, or c):

a.  The elder or dependent adult named in ①.

b.  Name: \_\_\_\_\_

conservator of the  person  estate  person and estate  
of the person named in ①, appointed by (name of court): \_\_\_\_\_

Case No.: \_\_\_\_\_

c.  Other (name) \_\_\_\_\_

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 3c—Information About Person Requesting Protective Order" for a title. You may use form [MC-025](#), Attachment.)

### 4 Contact Information

Contact information for the person asking the court for protection

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

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. 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. The person in ① does not have to give telephone, fax, or email.)

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

**This is not a Court Order.**

## 5 Description of Protected Person

The person named in ① (check a or b):

- a.  Is age 65 or older and a resident of California.
- b.  Is a resident of California and an adult under age 65. This person has physical or mental limitations that restrict their ability to carry out normal activities or protect their rights. *(Briefly describe limitations on an attached sheet of paper or form MC-025. Write "Attachment 5b—Description of Protected Person" for a title.)*

## 6 Additional Protected Persons

a. Are you asking for protection for any other family or household members or for the conservator of the elder or dependent adult listed in ①?  Yes  No (If yes, list them):

Full Name

### Gender Age

ives with pe  
in ①?

Yes  No

Yes  No

Yes  No

Yes  No

#### Additional Protection

Check here if there are more persons. Attach a sheet of paper and write "Attachment 6a—Additional Protected Persons" for a title. You may use form MC-025, Attachment.

b. Why do these people need protection? (*Explain below*):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 6b—Why Others Need Protection" for a title.

## 7 Relationship of Parties

How does the person in ① know the person in ②? (Explain below):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 7—Relationship of Parties" for a title.

This is not a Court Order.

**8 Description of Abuse**

a. Abuse means either:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or
- (2) The withholding by a caretaker of goods or services that are necessary to avoid physical harm or mental suffering.

b. Tell the court about the last time the person in (2) abused the person in (1).

- (1) When did it happen? (Provide date or estimated date): \_\_\_\_\_
- (2) Who else was there?

(3) Describe what happened below.

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 8b(3)—Describe Abuse" for a title.

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(4) Was the abuse **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

Yes, only financial abuse.  No, the abuse included other forms of abuse described above.

(5) Did the person in (2) use or threaten to use a gun or any other weapon?

Yes  No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 8b(5)—Use of Weapons" for a title.

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(6) Was the person in (1) harmed or injured as a result of the acts of abuse described above?

Yes  No (If yes, explain below):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 8b(6)—Harm or Injury" for a title.

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(7) Did the police come?  Yes  No

If yes, did they give the person in (1) or the person in (2) an Emergency Protective Order?  Yes  No  
If yes, the order protects (check all that apply):

the person in (1)  the person in (2)  the persons in (6).

(Attach a copy of the order if you have one.)

**This is not a Court Order.**

8 c. Is the person in (2) a care custodian who deprived the person in (1) of (kept from the person, did not allow the person to have or receive, or did not provide the person with) goods or services that the person needed to avoid physical harm or mental suffering?  Yes  No

(If yes, describe below what the person was deprived of and how that affected the person):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 8c—Deprivation by Care Custodian" for a title.

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d. Has the person in (2) abused the person in (1) at other times?

Yes  No (If yes, describe prior incidents and provide dates below):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 8d—Previous Abuse" for a title.

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## 9 Venue

Why are you filing in this county? (Check all that apply):

a.  The person in (2) lives in this county.  
 b.  The person in (1) was abused by the person in (2) in this county.  
 c.  Other (specify): \_\_\_\_\_

## 10 Other Court Cases

a. Has the person in (1) or any of the persons named in (6) been involved in another court case with the person in (2)?  No  Yes (If yes, specify the kind of each case and indicate where and when each was filed):

Kind of Case	Filed in (County/State)	Year Filed	Case Number (if known)
(1) <input type="checkbox"/> Elder or Dependent Adult Abuse	_____	_____	_____
(2) <input type="checkbox"/> Civil Harassment	_____	_____	_____
(3) <input type="checkbox"/> Domestic Violence	_____	_____	_____
(4) <input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
(5) <input type="checkbox"/> Paternity, Parentage, Child Custody	_____	_____	_____
(6) <input type="checkbox"/> Eviction	_____	_____	_____
(7) <input type="checkbox"/> Guardianship	_____	_____	_____
(8) <input type="checkbox"/> Workplace Violence	_____	_____	_____
(9) <input type="checkbox"/> Small Claims	_____	_____	_____
(10) <input type="checkbox"/> Criminal	_____	_____	_____
(11) <input type="checkbox"/> Other (specify): _____	_____	_____	_____

b. Are there now any protective or restraining orders in effect relating to the person in (1) or any of the persons named in (6) and the person in (2)?  No  Yes (If yes, attach a copy if you have one.)

**This is not a Court Order.**

Check the orders you want.

**(11)  Personal Conduct Orders**

I ask the court to order the person in (2) not to do any of the following things to the person in (1) or to any person to be protected listed in (6):

- a.  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy the personal property of, or disturb the peace of the person.
- b.  Contact the person, either directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
- c.  Other (specify):  
 Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 11c—Other Personal Conduct Orders" for a title.

The person in (2) will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

**(12)  Stay-Away Orders**

a. I ask the court to order the person in (2) to stay at least \_\_\_\_\_ yards away from (check all that apply):

- (1)  The elder or dependent adult in (1).
- (2)  The persons in (6).
- (3)  The home of the elder or dependent adult.
- (4)  The job or workplace of the elder or dependent adult.
- (5)  The vehicle of the elder or dependent adult.
- (6)  Other (specify): \_\_\_\_\_

b. If the court orders the person in (2) to stay away from all the places listed above, will they still be able to get to their home, school, or job?  Yes  No (If no, explain below):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 12b—Stay-Away Orders" for a title.

**This is not a Court Order.**

**13  Move-Out Order**

I ask the court to order the person in (2) to move out from and not return to the residence at (address):

The person in (1) will suffer physical or emotional harm if the person in (2) does not leave the residence. The person in (2) is not named in the title or lease of the residence, either alone or with others beside the person in (1).

I ask for this move-out order right away to last until the hearing, because:

- The person in (2) assaulted or threatened the person in (1); and
- The person in (1) has the right to live at the above residence. (Explain below):

*Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 13b—My Right to Residence" for a title.*

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**14  Order for Counseling or Anger Management Courses**

**i** This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- I request the person in (2) be ordered by the court to attend clinical counseling or anger management courses provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).
- Explain why you are requesting an order that the person in (2) attend clinical counseling or anger management courses.

*Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 14b—Counseling or Anger Management" for a title.*

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**This is not a Court Order.**

**15 Firearms (Guns), Firearm Parts, and Ammunition**

Does the person in ② have firearms (guns), firearm parts, or ammunition? (This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).)

- a.  I don't know
- b.  No
- c.  Yes *(If you have information, complete the section below.)*

Describe Firearms (Guns), Firearm Parts, or Ammunition    Number or Amount    Location, if known

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_
- (5) \_\_\_\_\_
- (6) \_\_\_\_\_

Unless the abuse is only financial, if the judge grants a protective order, the person in ② will be prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in ② will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any firearms (guns), firearm parts, and ammunition within the respondent's immediate possession or control. If an order is granted, the person in ② will also be prohibited from owning, possessing, or buying body armor and would have to relinquish any they have.

**16  Temporary Restraining Order**

I request that a Temporary Restraining Order (TRO) be issued against the person in ② to last until the hearing. I am presenting form EA-110, *Temporary Restraining Order*, for the court's signature together with this *Request*.

Has the person in ② been told that you were going to go to court to seek a TRO against them?

Yes     No    *(If you answered no, explain why below):*

*Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 16—Temporary Restraining Order" for a title.*

**This is not a Court Order.**

**17  Request to Give Less Than Five Days' Notice of Hearing**

You must have your papers personally served on the person in ② at least five days before the hearing, unless the court orders a shorter time for service. (Read form EA-200-INFO, *What Is "Proof of Personal Service"?*, to learn about serving legal papers. Form EA-200, *Proof of Personal Service*, may be used to show the court that the papers have been served.)

If you want there to be less than five days between service and the hearing, explain why:

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title.

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**18  Debts Caused by Financial Abuse**

You can ask the judge to decide at the hearing that certain debts or bills you have were caused by the person in ②'s financial abuse. This may help you defend against the debt if you are sued in another case.

a. If you want the judge to make this special finding, list the debts or bills you have that were caused by the person in ②'s financial abuse.

Check here if you want to list additional debts or bills that were caused by financial abuse. You can attach form MC-025 and write "Attachment 18a—Additional Debts" for a title.

	<u>Money Owed To</u>	<u>For</u>	<u>Amount</u>
(1)	_____	_____	\$ _____
(2)	_____	_____	\$ _____
(3)	_____	_____	\$ _____

b. Describe what the person in ② did to cause the debts and bills that you listed above. Provide as much detail as you can about the person in ②'s financial abuse.

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 18b—How Debt Was Incurred" for a title.

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**This is not a Court Order.**

**19  Lawyer's Fees and Costs**

I ask the court to order payment of my  lawyer's fees  court costs.

The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

Check here if there are more items. Put the items and amounts on an attached sheet of paper or form MC-025 and write "Attachment 19—Lawyer's Fees and Costs" for a title.

**20  Possession and Protection of Animals**

I ask the court to order the following:

a.  That the person in ① be given the sole possession, care, and control of the animals listed below, which they own, possess, lease, keep, or hold, or which reside in their household.  
(Identify animals by, e.g., type, breed, name, color, sex.)

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I request sole possession of the animals because (specify good cause for granting order):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 20a—Possession of Animals" for a title.

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b.  That the person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**21  No Fee to Serve Orders** If you want the sheriff or marshal to serve (notify) the person in ② about the orders for free, ask the court clerk what you need to do.

This is not a Court Order.

**22**  Additional Orders Requested

I ask the court to make the following additional orders (*specify*):

Check here if there is not enough space for your answer. Put your complete answer on an attached sheet of paper or form MC-025 and write "Attachment 22—Additional Orders Requested" for a title.

**(23)** 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*

*Signature of person making this request*

**This is not a Court Order.**

Person in ① must complete ①, ②, and ③ only.

**① Protected Elder or Dependent Adult**

a. Full Name: \_\_\_\_\_

Person requesting protection for the elder or dependent adult, if different (person named in item 3 of form EA-100):

Full Name: \_\_\_\_\_

Lawyer for person named above (if any, for this case): \_\_\_\_\_

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. 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: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**② Restrained Person**

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \_\_\_\_\_ \*Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

\*Gender:  M  F  Nonbinary Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to Protected Person: \_\_\_\_\_

**③  Additional Protected Persons**

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of that person are protected by the temporary orders indicated below:

Full Name	Gender	Age	Household Member?	Relation to Protected Person
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<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
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<input type="checkbox"/> Yes	<input type="checkbox"/> No	_____
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Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form [MC-025](#), Attachment.

**④ Expiration Date**

This order expires at the end of the hearing scheduled for the date and time below:

Date: _____	Time: _____	<input type="checkbox"/> a.m.	<input type="checkbox"/> p.m.
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**This is a Court Order.**

**To the Person in ②:**

The court has issued the temporary orders checked as granted below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail for up to one year, pay a fine of up to \$1,000, or both.

**5 Personal Conduct Orders**

**Not Requested**  **Denied Until the Hearing**  **Granted as Follows:**

a. You must **not** do the following things to the elder or dependent adult named in ①

and to the other protected persons listed in ③:

(1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.

(2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text messages, by fax, or by other electronic means.

(3)  Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4)  Other (*specify*):

Other personal conduct orders are attached at the end of this order on Attachment 5a(4).

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b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order. However, you may have your papers served by mail on the person in ①.

**6 Stay-Away Orders**

**Not Requested**  **Denied Until the Hearing**  **Granted as Follows:**

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

(1)  The elder or dependent adult in ① (5)  The vehicle of the person in ①

(2)  Each person in ③ (6)  Other (*specify*):

(3)  The home of the elder or dependent adult

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(4)  The job or workplace of the elder or dependent adult

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b. This stay-away order does not prevent you from going to or from your home or place of employment.

**7 Move-Out Order**

**Not Requested**  **Denied Until the Hearing**  **Granted as Follows:**

You must immediately move out from and not return to (*address*):

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**This is a Court Order.**

**8 No Firearms (Guns), Firearm Parts, or Ammunition** **Not Issued (financial abuse only)** **Granted as Follows:**

This order must be granted unless only financial abuse is alleged.

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed in b below.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control. This must be done within 24 hours of being served with this order.

(2) File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use form [EA-800, Receipt for Firearms, Firearm Parts, and Ammunition](#), for the receipt.)

d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**9  Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write "EA-110, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

**10 No Body Armor**

If the order in **8** is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

**This is a Court Order.**

**11  Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

In addition to the hearing listed on form EA-109, you must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in ⑧b) you still have or own, including any items listed in ⑨. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.



Date: \_\_\_\_\_ Dept.: \_\_\_\_\_  
 Time: \_\_\_\_\_ Room: \_\_\_\_\_

Name and address of court, if different than court address listed on page 1:

**12 Financial Abuse**

This case  does not  does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

**13 Possession and Protection of Animals**

**Not Requested**  **Denied Until the Hearing**  **Granted as Follows** (specify):

a.  The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.  
*(Identify animals by, e.g., type, breed, name, color, sex.)*

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b.  The person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**14 Other Orders**

**Not Requested**  **Denied Until the Hearing**  **Granted as Follows** (specify):

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Additional orders are attached at the end of this order on Attachment 14.

**This is a Court Order.**

**To the Person in ①:****⑯ Mandatory Entry of Order Into CARPOS Through CLETS**

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- a.  The clerk will enter this order and its proof of service form into CARPOS.
- b.  The clerk will transmit this order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- c.  By the close of business on the date that this order is made, the petitioner or the petitioner's lawyer should deliver a copy of the order and its proof of service form to the law enforcement agencies listed below to enter into CARPOS:

Name of Law Enforcement Agency

Address (City, State, Zip)

Additional law enforcement agencies are listed at the end of this order on Attachment 15.

**⑯ No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, the sheriff or marshal will do so for free.

⑯ Number of pages attached to this order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

*Judicial Officer*

**Warnings and Notices to the Restrained Person in ②****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

If the court grants the orders in ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in ⑧b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition that you have or control as stated in ⑧. The court will require you to prove that you did so.

**Notice Regarding Nonappearance at Hearing and Service of Order**

If you have been personally served with this Temporary Restraining Order and form EA-109, *Notice of Court Hearing*, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that does not differ from this order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the address in ②.

If this address is not correct or you wish to verify that the temporary restraining order was converted into a restraining order at the hearing without substantive change, or to find out the duration of the order, contact the clerk of the court.

**This is a Court Order.**

## After You Have Been Served With a Restraining Order

- Obey all the orders.
- Read form [EA-120-INFO, How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?](#), to learn how to respond to this order.
- If you want to respond, fill out form [EA-120, Response to Request for Elder or Dependent Adult Abuse Restraining Orders](#), and file it with the court clerk. You do not have to pay any fee to file your response.
- You must have form EA-120 served on the person in ① (the person asking the court for protection of the elder or dependent adult or the elder or dependent adult if no other person is named in that item), or that person's attorney, by mail. You cannot do this yourself. The person who does the mailing should complete and sign form [EA-250, Proof of Service of Response by Mail](#). File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served signed by you and other persons who have personal knowledge of the facts. You may use form [MC-030, Declaration](#), for this purpose. It is available from the clerk's office at the court shown on page 1 of this form or at [courts.ca.gov/rules-forms/find-your-court-forms](http://courts.ca.gov/rules-forms/find-your-court-forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

### Instructions for Law Enforcement

#### Enforcing the Restraining Order

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

#### Start Date and End Date of Orders

This order *starts* on the date next to the judge's signature on page 4. The order *ends* on the expiration date in ④ on page 1.

#### Arrest Required if Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

#### Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**This is a Court Order.**

**If the Protected Person Contacts the Restrained Person**

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

**Conflicting Orders—Priorities for Enforcement**

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order:* If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. (5) a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO):* If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

*(Clerk will fill out this part.)*

**Clerk's Certificate****—Clerk's Certificate—**

[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

**This is a Court Order.**

**Instructions:**

- If you are asking for a restraining order, you must complete this form and give it to the court clerk, along with the other court forms required in your case. For juvenile orders, list the primary protected person's information in **(2)** and **(3)**.
- If the judge grants the restraining order, information you give on this form will be entered into a California database (called CLETS) to help law enforcement enforce the order.
- If information changes later, you may complete this form again and turn it in to the court.

**To Court Clerk: Do not file this form. The information on this form must be entered into the protective order registry in CLETS.**

*Court fills in case number when form is received.*

**Case Number:**

Date received by court: \_\_\_\_\_

**Information that has a star (\*) next to it is required. All other information is helpful.**

## 1 Person You Want a Restraining Order Against

\*Name: \_\_\_\_\_

Other names used: \_\_\_\_\_

Marks, scars, or tattoos: \_\_\_\_\_

Driver's license (number and state): \_\_\_\_\_ SSN: \_\_\_\_\_

Vehicle type: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Plate number: \_\_\_\_\_

Telephone: \_\_\_\_\_

Name of employer and address: \_\_\_\_\_

Does the person speak English?

Yes

No (list language): \_\_\_\_\_

I don't know

Does the person have any firearms (guns), firearm parts, ammunition, or body armor?

No

I don't know

Yes (Give any information you have below, like the type, amount, or location of any items, if known.)

**This is not a Court Order—Do not place in court file.**

② \*Your Name: \_\_\_\_\_

(Skip ③ and ④ if you are asking for a gun violence (form GV-100) or retail crime (form RT-100) restraining order.)

③ Your Information

\*Gender:  M  F  X (nonbinary)      Race: \_\_\_\_\_

\*Age: \_\_\_\_\_

Date of Birth (month, day, year): \_\_\_\_\_

(If the judge grants your restraining order, your information will be entered into California's law enforcement database. If you give your date of birth, it will also be entered into the federal law enforcement database. If your information is not in the federal law enforcement database, your restraining order may be more difficult to enforce outside of California.)

Telephone: \_\_\_\_\_

Do you speak English?

Yes

No (list language): \_\_\_\_\_

④ Other People You Want Protected

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Name: \_\_\_\_\_ \*Gender: \_\_\_\_\_ Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Check here if you have more people to list. Write them on a separate piece of paper, write "Item 4" at the top, and attach it to this form.

**This is not a Court Order—Do not place in court file.**

## ① Elder or Dependent Adult in Need of Protection

a. Full Name: \_\_\_\_\_

 Person requesting protection for the elder or dependent adult, if different (*person named in item 3 of form EA-100*):

Full Name: \_\_\_\_\_

Lawyer for person named above (*if any for this case*):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. Address for person named above (*If you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

## ② Person You Want Protection From

Full Name: \_\_\_\_\_

*The court will complete the rest of this form.*

## ③ Notice of Hearing

A court hearing is scheduled on the request for restraining orders against the person in ②:

Name and address of court if different from above:

Hearing Date

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

## To the person in ②:

- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

④ Temporary Restraining Orders (*Any orders granted are on form EA-110, served with this notice.*)

- Temporary restraining orders for personal conduct and stay-away orders as requested in form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, are (check only one box below):
  - All **GRANTED** until the court hearing.
  - All **DENIED** until the court hearing. (*Specify reasons for denial in b, below.*)
  - Partly **GRANTED** and partly **DENIED** until the court hearing. (*Specify reasons for denial in ④b, below.*)

## 4 Temporary Restraining Orders (Continued)

b. Reasons for denial of some or all of those personal conduct and stay-away orders as requested in form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*, are:

- (1)  The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in (2).
- (2)  Other (specify):  As stated on Attachment 4b.

## 5 Service of Documents by the Person in ①

At least  five  \_\_\_\_\_ days before the hearing, someone age 18 or older—not you or anyone to be protected—must personally give (serve) a court file-stamped copy of this form EA-109, *Notice of Court Hearing*, to the person in (2) along with a copy of all the forms indicated below:

- a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
- b.  EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. [EA-120](#), *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- d. [EA-120-INFO](#), *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- e.  Other(specify):

Date:

*Judicial Officer*

## To the Person in ①:

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form [EA-200, Proof of Personal Service](#), may be used.
- For information about service, read form [EA-200-INFO, What Is “Proof of Personal Service”?](#)
- You may ask to reschedule the hearing if you are unable to find the person in ② and need more time to serve the documents, or for other good reasons. Read form [EA-115-INFO, How to Ask for a New Hearing Date](#).
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*. Bring any evidence or witnesses you have. For more information, read form [EA-100-INFO, Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?](#)



**To the Person in ② :**

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and have someone age 18 or older—not you or anyone to be protected—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form [EA-250, Proof of Service of Response by Mail](#), may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns), firearm parts, and ammunition that you own or possess. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). If an order is granted, you will also be prohibited from owning, possessing, or buying body armor and will have to relinquish any body armor you have.**
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-115-INFO, *How to Ask for a New Hearing Date*.

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [courts.ca.gov/rules-forms/find-your-court-forms](#) for *Disability Accommodation Request* (form [MC-410](#)). (Civ. Code, § 54.8.)

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

*Clerk's Certificate**[seal]*

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

# **ELDER ABUSE**

## **Civil Law**

### **- Packet C -**

#### **Instructions and Forms You May Need After Your First Hearing**

##### What you will find in this packet:

- **Request to Continue Court Hearing and to Reissue Temporary Restraining Order (EA-115)**
- **Notice of New Hearing Date and Order on Reissuance (EA-116)**
- **How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders? (EA-120-INFO)**
- **Response to Request for Elder or Dependent Adult Abuse Restraining Orders (EA-120)**
- **Elder or Dependent Adult abuse Restraining Order After Hearing (EA-130)**
- **What Is "Proof of Personal Service"? (EA-200-INFO)**
- **Proof of Personal Service (EA-200)**
- **Proof of Service of Response by Mail (EA-250)**
- **Proof of Firearms Turned In or Sold (EA-800)**
- **How Do I Turn In, Sell or Store My Firearms? (EA-800-INFO)**

**You Can Get Court Forms *FREE* at: [www.cc-courts.org/forms](http://www.cc-courts.org/forms)**

**Instructions:** Use this form to ask the court to reschedule the court date listed on form [EA-109, Notice of Court Hearing](#). Read [EA-115-INFO, How to Ask for a New Hearing Date](#), for more information.

## 1 Parties Information

a. My name is: \_\_\_\_\_

b. I am the (*check one of the boxes below*):

(1)  Protected party (*skip to (2)*).

(2)  Person asking for protection for the protected party

(*name of elder or dependent adult*): \_\_\_\_\_

(*skip to (2)*).

(3)  Restrained party (*give your contact information below*).

Address where I can receive mail:

This address will be used by the court and other party to notify you in this case. If you want to keep your home address private, you can use another address like a post office box or another person's address if you have their permission. If you have a lawyer, give your lawyer's address and contact information.

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

My contact information (*optional*):

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Lawyer's information (*skip if you do not have one*):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Fill in case number:

**Case Number:**

## 2 Information About My Case

a. The other party in this case is (*full name*): \_\_\_\_\_

b. I have a court date currently scheduled for (*date*): \_\_\_\_\_

**This is not a Court Order.**

**3 Is There a Temporary Restraining Order in Effect?**

Yes. Date the order was made, if known: \_\_\_\_\_  
Please attach a copy of the order if you have one.

No.

I don't know.

**Notice:** If the court date is rescheduled, the *Temporary Restraining Order* ([form EA-110](#)) will remain in effect until the end of the new court date unless otherwise ordered by the court.

**4 Why Does the Court Date Need to be Rescheduled?**

a.  I need more time to have the restrained party personally served.

b.  I am the restrained party and this is my first request to reschedule the court date.

c.  Other reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: \_\_\_\_\_

Type or print name of \_\_\_\_\_  
 Lawyer     Party Without Lawyer

► \_\_\_\_\_  
Sign your name

**This is not a Court Order.**

Complete ① and ② only.

① **Protected Party:** \_\_\_\_\_

② **Restrained Party:** \_\_\_\_\_

— The court will complete the rest of this form —

③ **Next Court Date**

a.  The request to reschedule the court date is **denied**.

Your court date is: \_\_\_\_\_

(1) Any *Temporary Restraining Order* (form EA-110) already granted stays in full force and effect until the next court date.

(2) Your court date is not rescheduled because:

\_\_\_\_\_  
\_\_\_\_\_

b.  The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑧ for more information.

Name and address of court, if different from above:

New  
Court  
Date

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

④ **Temporary Restraining Order**

a.  There is no *Temporary Restraining Order* (TRO) in this case until the next court date because:

(1)  A TRO was not previously granted by the court.

(2)  The court terminates (cancels) the previously granted TRO because: \_\_\_\_\_

\_\_\_\_\_

b.  A *Temporary Restraining Order* (TRO) is still in full force and effect because:

(1)  The court extends the TRO previously granted on (date) \_\_\_\_\_

It now expires on (date): \_\_\_\_\_

(If no date is listed, the TRO expires at the end of the court date listed in ③b.)

(2)  The court changes the TRO previously granted and signs a new TRO (form EA-110).

c.  Other (specify): \_\_\_\_\_

**Warning and Notice to the Restrained Party:**

If ④b is checked, an elder or dependent abuse restraining order has been issued against you. You must follow the orders until they expire.

**This is a Court Order.**

**5 Reason Court Date Is Rescheduled**a.  There is good cause to reschedule the court date (*check one*):(1)  The protected party has not served the restrained party.(2)  Other: \_\_\_\_\_  
\_\_\_\_\_b.  This is the first time that the restrained party has asked for more time to prepare.c.  The court reschedules the court date on its own motion.**6 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a.  **Protected party**b.  **Restrained party**c.  **Court**(1)  You do not have to serve the restrained party because they or their lawyer were at the court date or agreed to reschedule the court date.(2)  You must have the restrained party personally served with a copy of this order and a copy of all documents listed on form [EA-109](#), item 5, by (*date*): \_\_\_\_\_(3)  You must have the restrained party served with a copy of this order. This can be done by mail. You must serve by (*date*): \_\_\_\_\_(4)  Other: \_\_\_\_\_  
\_\_\_\_\_(1)  You do not have to serve the protected party because they or their lawyer were at the court date or agreed to reschedule the court date.(2)  You must have the protected party personally served with a copy of this order by (*date*): \_\_\_\_\_(3)  You must have the protected party served with a copy of this order. This can be done by mail. You must serve by (*date*): \_\_\_\_\_(4)  Other: \_\_\_\_\_  
\_\_\_\_\_(1)  Further notice is not required.(2)  The court will mail a copy of this order to all parties by (*date*): \_\_\_\_\_(3)  Other: \_\_\_\_\_  
\_\_\_\_\_**This is a Court Order.**

**7 No Fee to Serve**

The sheriff or marshal will serve this order for **free**.

Bring a copy of all the papers that need to be served to the sheriff or marshal.

**8  Other Orders**


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**9** Number of pages attached to this order, if any: \_\_\_\_\_

Date: \_\_\_\_\_

*Judicial Officer*

**Request for Accommodations**

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to [courts.ca.gov/rules-forms/find-your-court-forms](https://courts.ca.gov/rules-forms/find-your-court-forms) for *Request for Accommodations by Persons With Disabilities and Response* (form **MC-410**). (Civ. Code, § 54.8.)

**Instructions to Clerk**

If the hearing is rescheduled and the court extended, modified or terminated a temporary restraining order, then the court must enter this order into CLETS or send this order to law enforcement to enter into CLETS. This must be done within one business day from the day the order is made.

**—Clerk's Certificate—**

Clerk's Certificate

[seal]

I certify that this *Order on Request to Continue Hearing (Temporary Restraining Order)* (CLETS-TEA or TEF) (form EA-116) is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by: \_\_\_\_\_, Deputy

**This is a Court Order.**

## What is an elder or dependent adult abuse restraining order?

It is a court order that prohibits you from doing certain things and going certain places.

## What does the order do?

The court can order you to:

- Not contact the person who is protected by the order
- Stay away from that person and the person's home and workplace
- Move out of the place where you and that person are living together
- Not have any firearms (guns), firearm parts, ammunition, or body armor as long as the order is in effect. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531).

For more information about the items you would not be allowed to have, please see [selfhelp.courts.ca.gov/restraining-orders/prohibited-items](https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items).

## Who can ask for a restraining order?

A person who is being:

- Financially abused
- Abandoned or abducted
- Harmed
- Neglected
- Isolated
- Deprived by a caregiver of goods or services necessary to live on

A conservator may seek an order on behalf of an elder or dependent adult.

## I've been served with a request for elder or dependent adult abuse restraining orders.

### 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. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

## What if I don't obey the order?

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

## What if I don't agree with what the order says?

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120, Response to Request for Elder and Dependent Adult Abuse Restraining Orders](#), 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](https://courts.ca.gov/rules-forms/find-your-court-forms). You 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—not you—mail a copy of completed form EA-120 to the person who asked for the order (or that person's lawyer). (This is called “service by mail.”)

The person who serves the form by mail must fill out form [EA-250, Proof of Service of Response by Mail](#). 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.

## Do I need a lawyer?

Having a lawyer is always a good idea, but it is not required, and you are not entitled to a free, court-appointed attorney. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

## 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](https://selfhelp.courts.ca.gov/request-interpreter).

## 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, read form [MC-410-INFO, How to Request a Disability Accommodation for Court](#).



## Should I go to the court hearing?

Yes. You should go to court on the date listed on form EA-109, *Notice of Court Hearing*. If you do not go to the hearing, the judge can make orders against you without hearing from you.

<b>EA-109 Notice of Court Hearing</b>	
<p><b>① Elder or Dependent Adult in Need of Protection</b></p> <p>a. Full Name: _____  <input type="checkbox"/> Person requesting protection for the elder or dependent adult, if different (person named in item 3 of form EA-100): _____  Full Name: _____</p> <p>Lawyer for person named above (if any for this case):  Name: _____ State Bar No.: _____</p> <p>Firm Name: _____</p> <p>b. Address for person named above (if you have a lawyer, give your lawyer's information. If you do not have a lawyer, give information for the person requesting the order. If you 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: _____</p>	
<p><b>② Person You Want Protection From</b>  Full Name: _____</p> <p><i>The court will complete the rest of this form.</i></p> <p><b>③ Notice of Hearing</b>  A court hearing is scheduled on the request for restraining orders against the person in ②:  Hearing Date: _____ Time: _____ Name and address of court if different from above:  Dept.: _____ Room: _____</p>	
<p>To the person in ②:</p> <ul style="list-style-type: none"> <li>If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.</li> <li>If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.</li> </ul> <p><b>④ Temporary Restraining Orders</b> (Any orders granted are on form EA-110, served with this notice.)  a. Temporary restraining orders for personal conduct and stay-away orders as requested in form EA-100, <i>Request for Elder or Dependent Adult Abuse Restraining Orders</i>, are (check only one box below):  (1) <input type="checkbox"/> All GRANTED until the court hearing.  (2) <input type="checkbox"/> All DENIED until the court hearing. (Specify reasons for denial in b, below.)  (3) <input type="checkbox"/> Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in ④b, below.)</p>	
<small>Judicial Council of California courts.ca.gov Rev. January 1, 2020, Mandatory Form Code Procedural Welf. &amp; Inst. Code § 1865.03 Approved by DOJ</small>	
Notice of Court Hearing (Elder or Dependent Adult Abuse Prevention)	EA-109, Page 1 of 3 →

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

Yes. Assume that the person who is asking for the order will attend the hearing. Do not talk to the person unless the judge or that person's attorney says that you can.

## 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.

## How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date.

At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

## What if I have a firearm (gun), firearm part, or ammunition?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, ammunition, or body armor while the order is in effect. If you have a firearm (gun), firearm parts, or ammunition, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

## What if I need to have a firearm or ammunition for my job?

If the judge grants a restraining order against you, you cannot have firearms or ammunition. The judge may give you permission to have a firearm or ammunition for work. Before permission can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things that you will have to prove. For more information, go to [selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception](http://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception), or see Code of Civil Procedure section 527.9(f).

## What if I need to have body armor?

If you need to have and use body armor for your work, livelihood, or safety, you may ask for an exception with the chief of police or sheriff in the county where you will have and use the body armor (see Penal Code section 31360(c)).

## Can I agree with the protected person to cancel the order?

No. Once the order is issued, only the judge can change or cancel it. You or the protected person would have to file a request with the court to cancel the order.

## Information about the process is also available online.

See [selfhelp.courts.ca.gov/EA-restraining-order](http://selfhelp.courts.ca.gov/EA-restraining-order).

## For help in your area, contact:

*[Local information may be inserted.]*

# Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

## Use this form to respond to the Request (form EA-100)

- Read *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form [EA-120-INFO](#)) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—not you—serve the person requesting protection in ① by mail with a copy of this form and any attached pages. (Use form [EA-250](#), Proof of Service of Response by Mail.)

### 1 Elder or Dependent Adult Seeking Protection

Name: \_\_\_\_\_

Name of person asking for the protection, if different (*This is the person named in item 3 of the request (form EA-100).*)

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

### 2 Person From Whom Protection Is Sought

a. Your Name: \_\_\_\_\_

Your Lawyer (*if you have one for this case*)

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

b. 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: \_\_\_\_\_

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-109, item 3, here:

Hearing Date → Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

If you were served with a temporary restraining order, you must obey it until the hearing. At the hearing, the court may make orders against you that last for up to five years.

### 3 Personal Conduct Orders

- I agree to the orders requested.
- I do not agree to the orders requested. (*Specify why you disagree in ⑯ on page 5.*)
- I agree to the following orders (*specify below or in ⑯ on page 5*):  
\_\_\_\_\_

### 4 Stay-Away Orders

- I agree to the orders requested.
- I do not agree to the orders requested. (*Specify why you disagree in ⑯ on page 5.*)
- I agree to the following orders (*specify below or in ⑯ on page 5*):  
\_\_\_\_\_

**5**  **Move-Out Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in (15) on page 5.*)
- c.  I agree to the following orders (*specify below or in (15) on page 5*):  
\_\_\_\_\_  
\_\_\_\_\_

**6**  **Additional Protected Persons**

- a.  I agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.
- b.  I do not agree that the persons listed in item 6 of form EA-100 may be protected by the order requested.

**7**  **Order for Counseling or Anger Management Courses**

**(i)** This item is only available in instances of alleged physical abuse or deprivation of care, not in cases with only alleged financial abuse.

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in (15) on page 5.*)
- c.  I agree to the following orders (*specify below or in (15) on page 5*):  
\_\_\_\_\_  
\_\_\_\_\_

**8 Firearms (Guns), Firearm Parts, and Ammunition**

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts, or ammunition. This includes firearm receivers and frames, and any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531). (See item 8 of form EA-110.) You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.

- a.  I do not own or control any firearms (guns), firearm parts, or ammunition.
- b.  I have turned in my firearms (guns), firearm parts, and ammunition to law enforcement or sold them to or stored them with a licensed gun dealer. A copy of the receipt
  - (1)  is attached.
  - (2)  has already been filed with the court.
- c.  I ask for an exception to carry a firearm or ammunition for work. (*Complete items (1)–(3) below:*)
  - (1) Are you a sworn peace officer?
    - No
    - Yes

8 c. (2) Are there any orders or state or federal laws that prohibit you from having firearms or ammunition?

No

I don't know (*explain*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Yes (*explain*):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(3) (*Explain what your job is and why you need a firearm or ammunition*):  
 \_\_\_\_\_  
 \_\_\_\_\_

(Note: You **must** follow any orders to turn in, sell, or store prohibited items until the judge decides whether to grant you an exception. Before an exception can be granted, you will be required to show the judge that (1) carrying a firearm or ammunition is required for your work, and (2) your employer is unable to reassign you to another position where carrying a firearm or ammunition is not necessary. There are other things you will need to prove. For more information on what you need to show the judge to qualify for this exception, go to [selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception](http://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders/exception) or see Code of Civil Procedure section 527.9(f).)

## 9 No Body Armor

If you were served with form EA-110, *Temporary Restraining Order*, you are prohibited from owning, possessing, or buying body armor. You must also relinquish any body armor you have in your possession.

(*Check all that apply*):

- I do not own or have any body armor.
- I have relinquished all body armor that I have in my possession.
- I was granted an exception, or will ask for an exception, to have body armor. Note: This exception is granted by a chief of police or sheriff. See Penal Code section 31360(c). (*Attach a copy of the letter granting permission, if you have one.*)

## 10 Debts Caused by Financial Abuse

- I agree to the findings requested.
- I do not agree to the findings requested. (*Specify why you disagree in 15 on page 5.*)
- I agree to the following findings (*specify below or in 15 on page 5*):  
 \_\_\_\_\_  
 \_\_\_\_\_

## 11 Possession and Protection of Animals

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in (15) on page 5.)*
- c.  I agree to the following orders *(specify below or in (15) on page 5):*

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## 12 Other Orders

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (*Specify why you disagree in (15) on page 5.*)
- c.  I agree to the following orders (*specify below or in (15) on page 5*):

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## 13 Denial

I did not do anything described in item 8 of form EA-100. (Skip to (15).)

## 14 Justification or Excuse

If I did some or all of the things that the person in ① has accused me of, my actions were justified or excused for the following reasons (*explain*):

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 14-Justification or Excuse" as a title. You may use form MC-025, Attachment.



## 15 Reasons I Do Not Agree to the Requests

*Explain your answers to each order or finding requested that you do not agree with.*

Check here if there is not enough space below for your answer. Put your complete answer on an attached sheet of paper and write "Attachment 15—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

**16**  **Lawyer's Fees and Costs**

a.  I ask the court to order payment of my  lawyer's fees  court costs. The amounts requested are:

<u>Item</u>	<u>Amount</u>	<u>Item</u>	<u>Amount</u>
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

*Check here if there are more items. Put the items and amounts on an attached sheet of paper and write "Attachment 16—Lawyer's Fees and Costs" for a title. You may use form MC-025, Attachment.*

b.  I ask the court to deny the request of the person asking for protection named in ① that I pay their lawyer's fees and costs.

(17) 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*

Person in ① must complete ①, ②, and ③ only.

**1 Elder or Dependent Adult Seeking Protection**

a. Full Name: \_\_\_\_\_

Name of person asking for the protection, if different (*This is the person named in item 3 of the request (form EA-100).*)

Full Name: \_\_\_\_\_

Lawyer for person named above (*if any for this case*):

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. 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: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**2 Restrained Person**

(Give all the information you know. Information with a star (\*) is required to add this order to the California police database. If age is unknown, give an estimate.)

\*Full Name: \_\_\_\_\_ \*Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\*Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_

\*Gender:  M  F  Nonbinary Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to Protected Person: \_\_\_\_\_

**3  Additional Protected Persons**

In addition to the elder or dependent adult named in ①, the following family or household members or conservator of the elder or dependent adult named in ① are protected by the orders indicated below:

Full Name	Gender	Age	Lives with Person in ①?	Relation to Person in ①
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Check here if there are additional protected persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form [MC-025](#), Attachment.

**4 Expiration Date**

*This order, except for any award of lawyer's fees, expires at*

Time: \_\_\_\_\_  a.m.  p.m.  midnight on (date): \_\_\_\_\_

If no expiration date is written here, this order expires three years from the date of issuance.

**This is a Court Order.**



## 5 Hearing

a. There was a hearing on (date): \_\_\_\_\_ at (time): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_  
(Name of judicial officer): \_\_\_\_\_ made the orders at the hearing.

b. These people were at the hearing:

- (1)  The elder or dependent adult in need of protection
- (2)  The lawyer for the elder or dependent adult (name): \_\_\_\_\_
- (3)  The person in ① asking for protection (if not the elder or dependent adult)
- (4)  The lawyer for the person in ① asking for protection (name): \_\_\_\_\_
- (5)  The person in ②
- (6)  The lawyer for the person in ② (name): \_\_\_\_\_

Additional persons present are listed at the end of this order on Attachment 5.

c.  The hearing is continued. The parties must return to court on (date): \_\_\_\_\_ at (time): \_\_\_\_\_

## To the Person in ② :

The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

## 6 Personal Conduct Orders

a. You must **not** do the following things to the elder or dependent adult named in ①

and to the other protected persons listed in ③:

(1)  Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.

(2)  Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.

(3)  Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4)  Other (*specify*): \_\_\_\_\_

Other personal conduct orders are attached at the end of this order on Attachment 6a(4).

b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

## 7 Stay-Away Orders

a. You **must** stay at least \_\_\_\_\_ yards away from (*check all that apply*):

(1)  The elder or dependent adult in ①. (5)  The vehicle of the elder or dependent adult.

(2)  Each person in ③. (6)  Other (*specify*): \_\_\_\_\_

(3)  The home of the elder or dependent adult. \_\_\_\_\_

(4)  The job or workplace of the elder or dependent adult. \_\_\_\_\_

b. This stay-away order does not prevent you from going to or from your home or place of employment.

## This is a Court Order.



**8  Move-Out Order**

You must immediately move out from and not return to (*address*):  
\_\_\_\_\_

and must take only the personal clothing and belongings you need.

**9  Order for Counseling or Anger Management**

a. The person in ② is ordered to attend:

clinical counseling for \_\_\_\_\_ (*specify number*) sessions; or  
 an anger management course

provided by a professional (a counselor, psychologist, psychiatrist, therapist, clinical social worker, or mental or behavioral health professional licensed in the State of California to provide counseling or anger management courses).

b. The person in ② must schedule clinical counseling or enroll in an anger management course by (*date*): \_\_\_\_\_, or if no date is listed, within 30 days after this order is made. The person in ② is ordered to file written proof of scheduling or enrollment with the court.

c.  Written proof of completion of the ordered number of clinical counseling sessions or written proof of completion of the court-ordered anger management course must be filed with the court by (*date*): \_\_\_\_\_ or the person in ② must appear for a court date on: (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**10  No Firearms (Guns), Firearm Parts, or Ammunition**

**This order must be granted unless the abuse is financial only.**

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

- (1) Firearms (guns);
- (2) Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and
- (3) Ammunition.

c. If you have not already done so, you must:

- Within 24 hours of being served with this order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, and ammunition in your custody or control, or that you possess or own.
- File a receipt with the court within 48 hours of receiving this order that proves that your firearms (guns), firearm parts, and ammunition have been turned in, sold, or stored. (You may use form [EA-800, Receipt for Firearms, Firearm Parts, and Ammunition](#) for the receipt.)

d.  The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

**This is a Court Order.**



**10** e.  Permission to have firearm or ammunition for work: The judge has made the necessary findings to grant an exception under Code of Civil Procedure section 527.9(f). The orders are included on form [EA-850, Permission to Have Firearm or Ammunition for Work](#).

**11**  **Restrained Person Has Prohibited Items**

The court finds that you have the following prohibited items:

a. **Firearms and/or firearm parts**

Description (include serial number, if known)	Location, if known	Proof of compliance received by the court
(1) _____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	<input type="checkbox"/> (date): _____

b. **Ammunition**

Description	Amount, if known	Location, if known	Proof of compliance received by the court
(1) _____	_____	_____	<input type="checkbox"/> (date): _____
(2) _____	_____	_____	<input type="checkbox"/> (date): _____
(3) _____	_____	_____	<input type="checkbox"/> (date): _____
(4) _____	_____	_____	<input type="checkbox"/> (date): _____

Check here to list additional items. List them on a separate piece of paper, write "EA-130, Restrained Person Has Prohibited Items" at the top, and attach it to this form.

**12**  **Restrained Person Has Not Complied With Surrendering Prohibited Items**

a. The court finds that you have not fully complied with the orders previously granted on (date): \_\_\_\_\_  
The court has not received a receipt or proof of compliance for all the items listed in **11**.

b. Notify Law Enforcement

The court will immediately notify the following law enforcement agency of this violation  
(law enforcement agency or agencies): \_\_\_\_\_

c. Notify Prosecutor

The court will immediately notify the following prosecuting agency of this violation  
(prosecuting agency): \_\_\_\_\_

**13** **No Body Armor**

If the order in **10** is granted, you cannot own, possess, or buy body armor (defined in Penal Code section 16288). You must relinquish any body armor you have in your possession.

**This is a Court Order.**

**14  Court Hearing to Review Firearms (Guns), Firearm Parts, and Ammunition Compliance**

You must attend the court hearing listed below to prove that you have properly turned in, sold, or stored all prohibited items (described in ⑩ b) you still have or own, including any items listed in ⑪. If you do not attend the court hearing listed below, a judge may find that you have violated the restraining order and notify law enforcement and a prosecuting attorney of the violation.

Name and address of court, if different than court address listed on page 1:



Date: \_\_\_\_\_ Dept.: \_\_\_\_\_  
Time: \_\_\_\_\_ Room: \_\_\_\_\_

**15  Financial Abuse**

This case  does not  does involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

**16  Possession and Protection of Animals**

a.  The person in ① is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by them, or reside in their household.

*(Identify animals by, e.g., type, breed, name, color, sex.)*

\_\_\_\_\_

\_\_\_\_\_

b.  The person in ② must stay at least \_\_\_\_\_ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**17  Specific Debts**

The court finds (decides) that the following debts were incurred as a result of financial abuse of the person in ① by the person in ②.

Money Owed To:

For:

Amount:

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Additional debts are attached at the end of this order on Attachment 17.

**18  Lawyer's Fees and Costs**

You must pay to the person in ① the following amounts for  lawyer's fees  costs:

Item

Amount

Item

Amount

\_\_\_\_\_ \$ \_\_\_\_\_  
\_\_\_\_\_ \$ \_\_\_\_\_

Additional amounts are attached at the end of this order on Attachment 18.

**This is a Court Order.**

(19)  **Other Orders** (specify):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Additional orders are attached at the end of this order on Attachment 19.**To the Person in ① :****(20) Mandatory Entry of Order Into CARPOS Through CLETS**

This order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). (Check one):

- The clerk will enter this order and its proof of service form into CARPOS.
- The clerk will transmit this order and its proof of service form to a law enforcement agency to be entered into CARPOS.
- By the close of business on the date that this order is made, you or your lawyer should deliver a copy of the order and its proof of service form to the law enforcement agency listed below to enter into CARPOS:

Name of Law Enforcement AgencyAddress (City, State, Zip) Additional law enforcement agencies are listed at the end of this order on Attachment 20.**(21) Service of Order on Restrained Person**

- The person in ② personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- The person in ① was at the hearing. The person in ② was not.
  - Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are the same as in form EA-110 except for the end date. The person in ② must be served with this order. Service may be by mail.
  - Proof of service of form EA-110, *Temporary Restraining Order*, was presented to the court. The judge's orders in this form are different from the orders in form EA-110. Someone—but not anyone in ① or ③—must personally serve a copy of this order on the person in ②.
  - The court has scheduled a firearms, firearms parts, and ammunition compliance hearing. The person in ① must have a copy of this order served on the person in ② by:
    - Personal service by (date): \_\_\_\_\_
    - Mail at the last known address of the person in ② by (date): \_\_\_\_\_

**This is a Court Order.**

**(22) No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this order, they will do so for free.

**(23) Number of pages attached to this order, if any: \_\_\_\_\_**

Date: \_\_\_\_\_

*Judicial Officer*

**Warning and Notice to the Restrained Person in ②:****You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition**

If the court grants the orders in ⑩ on page 3 (unless ⑩e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in ⑩b on page 3 while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns), firearm parts, or ammunition that you have or control as stated in ⑩. The court will require you to prove that you did so.

**Instructions for Law Enforcement****Enforcing the Restraining Order**

This order is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing (see ⑪), the agency must advise the restrained person of the terms of the order and then must enforce it. Violations of this order are subject to criminal penalties.

**Start Date and End Date of Order**

This order *starts* on the date next to the judge's signature on page 6. The order *ends* on the expiration date in ④ on page 1.

**Arrest Required if Order Is Violated**

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

**Notice/Proof of Service**

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The restrained person was at the restraining order hearing (see ⑪) or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it.

**This is a Court Order.**

## Instructions for Law Enforcement

### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The order can be changed only by another court order. (Pen. Code, § 13710(b).)

### Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2; Fam. Code §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2)):

1. *Emergency Protective Order (EPO)*: If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must also be enforced.
2. *No-Contact Order*: If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. (7) a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO)*: If none of the orders includes an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2), 6405(b); Code Civ. Proc., § 527.12(d)(2).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must also be enforced.
4. *Civil Restraining Orders*: If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must also be enforced.

*Clerk's Certificate*  
[seal]

*(Clerk will fill out this part.)*  
**—Clerk's Certificate—**

I certify that this *Elder or Dependent Adult Abuse Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy

## What is “Service”?

Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person” service. The following types of restraining order forms must be served “in person”: *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), *Notice of Court Hearing* (form EA-109), *Temporary Restraining Order* (form EA-110), *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300), and *Notice of Court Hearing to Allow Contact* (form EA-309). That means that someone must personally serve (give) a copy of the forms to the person to be restrained. These forms cannot be served by mail.

Service lets the other person know:

- What orders you are asking for
- The hearing date
- How to respond

## Why do I have to get the orders served?

- The police cannot arrest anyone for violating an order unless that person knows about the order.
- The judge cannot make the orders permanent unless the restrained person was served.



*Don't serve it by mail!*

## Who can serve?

Ask someone you know, a process server, or a law enforcement agency to personally serve (give) a copy of the forms to the person to be restrained. You **cannot** send the forms to that person by mail. The server must:

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders.

The sheriff or marshal may be authorized to serve the court’s orders **for free**. Another peace officer may also serve the orders for free. See [selfhelp.courts.ca.gov/EA-restraining-order/sheriff-serves-request](http://selfhelp.courts.ca.gov/EA-restraining-order/sheriff-serves-request) for additional information regarding free service by a sheriff, marshal, or other peace officer.

A “registered process server” is a business you pay to deliver court forms. Look for “Process Serving” in the Yellow Pages or on the internet. (If a law enforcement agency or the process server uses a different proof of service form, make sure it lists the forms served.)

## How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it is the right person. Ask the person’s name.
- Give the person copies of all papers checked on form [EA-200, Proof of Personal Service](#).
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* to you.

## What if the person won’t take the papers or tears them up?

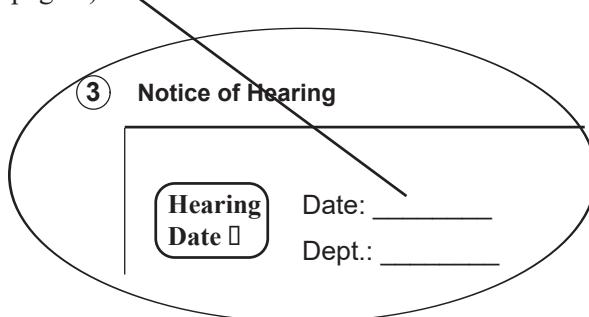
- If the person won’t take the papers, just leave them near the person.
- It doesn’t matter if the person tears them up. Service is still complete.



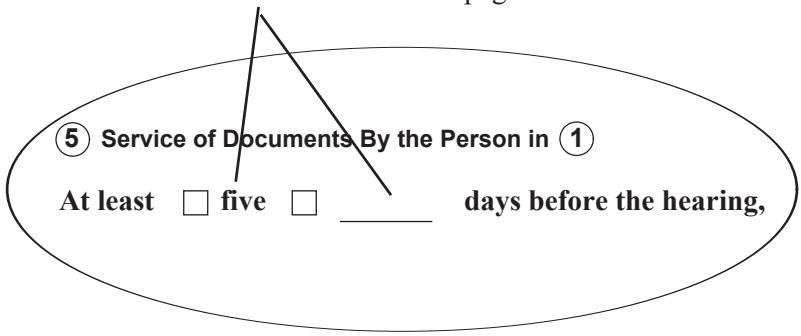
**When do the orders have to be served?**

It depends. To know the exact date, you have to look at two things on form EA-109, *Notice of Court Hearing* or form EA-309, *Notice of Court Hearing to Allow Contact*:

First, look at the hearing date on form EA-109 (item 3 on page 1) or form EA-309 (item 5 on page 2).



Next, look at the number of days in item 5 on page 2 of form EA-109 or in item 6 on page 2 of form EA-309.



Look at a calendar. Subtract the number of days in item 5 on form EA-109 or the number of days in item 6 on form EA-309 from the hearing date. That is the final date to have the orders served. It is always okay to serve earlier than that date. If nothing is checked or written in item 5 on form EA-109 or item 6 on form EA-309, you must serve the orders at least five days before the hearing.

**Who signs the *Proof of Personal Service*?**

Only the person who serves the forms can sign form EA-200, *Proof of Personal Service*. You do not sign it; the restrained person does not need to sign it.

**What do I do with the completed *Proof of Personal Service*?**

If someone other than the sheriff serves the papers, you should:

- Make several copies.
- File the original with the court before your hearing.
- Bring a copy of the completed *Proof of Personal Service* to your hearing.
- Ask the clerk to enter the *Proof of Personal Service* (unless for form EA-300) into the California Law Enforcement Telecommunications System (CLETS), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you that the court cannot enter it into the computer, take a copy of the *Temporary Restraining Order* (form EA-110) and *Proof of Personal Service* (form EA-200) to your local police. They will put the information into the state computer system. That way, police all over the state will know that your restraining order has been served.
- Always keep an extra copy of the restraining orders with you for your safety.
- **Note: Restraining orders to allow contact (which use the EA-300 form series) are not entered into CLETS.**

If the sheriff or another peace officer serves the papers, they will send proof of service to the court for you. The sheriff will also send proof of service to CLETS for you.

**What happens if I can't get the orders served before the hearing date?**

Before your hearing, fill out and file form [EA-115, Request to Continue Court Hearing](#) (or form [EA-315](#), if you are trying to serve forms EA-300 or EA-309). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form. After the court has reissued the orders, attach a copy of form EA-116, *Order on Request to Continue Hearing*, (or form EA-316) to a copy of your original orders. Ask the clerk to enter form EA-116 into CLETS, or the clerk may ask you or your attorney to deliver a copy to the police. That way, the police will know your orders are still in effect.

**1 Elder or Dependent Adult**

Name: \_\_\_\_\_

**2 Person From Whom Protection Is Sought or Person Alleged to Be Preventing Contact**

Name: \_\_\_\_\_

**3 Notice to Server**

The server must:

- Be 18 years of age or older.
- Not be listed in items ①, ③, or ⑥ of form EA-100 or be listed in items ①, ②, ③, or ④ on form EA-300.
- Give a copy of all documents checked in ④ to the person in ②. (You cannot send them by mail.) Then complete and sign this form and give or mail it to the person in ①.

**PROOF OF PERSONAL SERVICE****4** I gave the person in ② a copy of the forms checked below:

- a.  EA-109, *Notice of Court Hearing*
- b.  EA-110, *Temporary Restraining Order*
- c.  EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders*
- d.  EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- e.  EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f.  EA-130, *Elder or Dependent Adult Abuse Restraining Order After Hearing*
- g.  EA-250, *Proof of Service of Response by Mail* (blank form)
- h.  EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition* (blank form)
- i.  EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- j.  EA-309, *Notice of Court Hearing to Allow Contact*
- k.  EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- l.  EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*
- m.  EA-330, *Elder or Dependent Adult Restraining Order Allowing Contact After Hearing*
- n.  Other (specify): \_\_\_\_\_

**5** I personally gave copies of the documents checked above to the person in ②:a. On (date): \_\_\_\_\_ b. At (time): \_\_\_\_\_  a.m.  p.m.

c. At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**6 Server's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_

*Type or print server's name*



*Server to sign here*

## ① Elder or Dependent Adult Seeking Protection

Full Name: \_\_\_\_\_

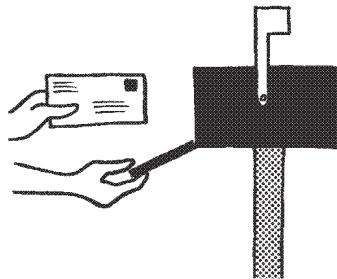
## ② Person From Whom Protection Is Sought

Your Full Name: \_\_\_\_\_

## ③ Notice to Server

The server must:

- Be 18 years of age or older.
- Live or be employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥ of form EA-100 or in items ①, ②, ③ or ④ on form EA-300.
- Mail a copy of all documents checked in ④ to the person in ①.
- Complete and sign this form and give it to the person in ②.



Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

## ④ PROOF OF SERVICE BY MAIL

I am 18 years of age or older and not a party to this proceeding. I live or am employed in the county where the mailing took place. I mailed the person in ① a copy of all documents checked below:

- a.  Form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (completed)
- b.  Form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*
- c.  Other (specify): \_\_\_\_\_

## ⑤ I placed copies of the documents above in a sealed envelope and mailed them as described below:

- a. Mailed to (name): \_\_\_\_\_
- b. To this address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- c. On (date) \_\_\_\_\_ Mailed from (city): \_\_\_\_\_ State: \_\_\_\_\_

## ⑥ Server's Information

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

(If you are a registered process server):

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

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

Date: \_\_\_\_\_



Server to sign here

Type or print server's name \_\_\_\_\_

## ① Protected Person

Name: \_\_\_\_\_

## ② Restrained Person

a. Your Name: \_\_\_\_\_

Your Lawyer (if you have one for this case): \_\_\_\_\_

Name: \_\_\_\_\_ State Bar No.: \_\_\_\_\_

Firm Name: \_\_\_\_\_

b. 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: \_\_\_\_\_

Fill in court name and street address:

Superior Court of California, County of \_\_\_\_\_

Court fills in case number when form is filed.

Case Number: \_\_\_\_\_

## ③ To the Restrained Person:

If a judge has ordered you to turn in, sell, or store your firearms (guns), ammunition, and firearm parts—meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531)—use this form to prove to the judge that you have obeyed their orders. Take this form to a law enforcement officer or a licensed gun dealer to complete ④ or ⑤. For more information on how to properly turn in your items, read form EA-800-INFO, *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

④

## To Law Enforcement

(Complete the section below. Keep a copy and give the original to the person in ②.)

Name of Law Enforcement Agency: \_\_\_\_\_

Name of Law Enforcement Agent: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

## Items Surrendered

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.

b. List of items (List all the items surrendered by the person in ②. You may attach a separate form from your agency (e.g., a property report), use ⑥, or both. Check below if you have attached a separate form):

 Separate form is attached. (If it does not include all surrendered items, list additional items in ⑥.)

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

► Signature of law enforcement agent: \_\_\_\_\_

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**To Licensed Gun Dealer***(Complete the section below. Keep a copy and give the original to the person in (2).)*

Name of Licensed Gun Dealer: \_\_\_\_\_

License number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Items Stored or Sold**

a. Firearms, firearm parts, and ammunition transferred on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.b. List of items (*List all the items surrendered by the person in (2). You may attach a separate form (e.g., Department of Justice's Report of Firearms Acquisition) or you may use (6) Check below if you have attached a separate form:*) Separate form is attached. (*If it does not include all surrendered items, list additional items in (6).*)

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

► Signature of licensed gun dealer \_\_\_\_\_

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 **List of Items Surrendered**

Firearms and firearm parts

	Make	Model	Serial number, if there is one	To be Sold	Stored	Destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ammunition

	Brand	Type	Amount	To be Sold	Stored	Destroyed
(1)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(5)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(6)	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 *Check here if there is not enough space above for your answer. Use a separate sheet of paper to list other items. Write "EA-800, item 6" at the top, and attach it to this form.*

**7 To the Restrained Person:**

Besides the items listed on page 2 or in an attached form, do you have or own any other firearms (guns), firearm parts, or ammunition?

No

Yes (*If yes, check one of the boxes below:*)

a.  I filed a *Receipt for Firearms, Firearm Parts, and Ammunition* (form EA-800) or other proof for those items with the court on (date): \_\_\_\_\_

b.  I am filing the proof for those firearms (guns), firearm parts, or ammunition along with this proof.

c.  I have not yet filed the proof for the other firearms (guns), firearm parts, or ammunition.

(*Explain why not:*)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Your signature**

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

Date: \_\_\_\_\_



Type or print your name

Sign your name

**Your Next Steps**

- After the form is complete, make two additional copies. Take the copies and original to the court clerk to file.
- Keep a copy for yourself.

**Note that failure to file a receipt with the court is a violation of the court's order.**

**What items do I need to turn in, sell, or store?**

You must turn in, sell, or store all of the following prohibited items that you have or control:

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, meaning receivers, frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531), which may also be called ghost guns; and
- Ammunition.

**How do I properly turn in, sell, or store the prohibited items?**

You must take them to:

- Law enforcement, who will accept all prohibited items and may store them or destroy them;

OR

- A licensed gun dealer, who can buy or store firearms. If you have firearm parts, call ahead for more information.

**When do I have to turn in, sell, or store the prohibited items?**

Immediately, if law enforcement asks you for the items. Otherwise, within 24 hours.

**Who can I turn in, sell, or store the prohibited items with?**

Only law enforcement or a licensed gun dealer. You cannot give your prohibited items to a family member, friend, or anyone else.

**Where can I sell the prohibited items?**

At a licensed gun dealer in your area. You can search the internet for “Gun Dealers” or “Firearms Dealers” to find one. Make sure the dealer is licensed.

**Do I have to pay a fee to store prohibited items?**

You may have to pay a fee. Contact your local law enforcement agency or a licensed gun dealer about fees and whether they have space to store your items.

**How do I turn in the prohibited items to law enforcement?**

Call your local law enforcement agency to ask about their procedures. Unload your firearms and take a copy of the court order with you.

**Do not** bring firearms to court.

**If I turn in the prohibited items to law enforcement, how long will they keep them?**

It depends. There are procedures for getting your firearms back after the restraining order has expired. Ask the law enforcement agency for more information.

**After I turn in the prohibited items to law enforcement, can I change my mind?**

Yes. You are allowed to sell firearms to a licensed gun dealer. To do so, the gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the items that you are selling.

**Do I have to prove that I have turned in, sold, or stored the prohibited items?**

Yes. Within 48 hours you must file a receipt with the court showing that you have surrendered the prohibited items to a law enforcement agency or sold them to or stored them with a licensed gun dealer. You may use *Receipt for Firearms, Firearm Parts, and Ammunition* (form [EA-800](#)) for this purpose.

**Additional Questions?**

Contact an attorney for legal advice. Call your local law enforcement agency, for example, your city police or county sheriff for their procedures.

**Information about prohibited items and how to obey these orders is also available online.**

See [selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders](http://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders).

**For help in your area, contact:**

*[Local information may be inserted.]*