

# JUDICIAL COUNCIL OF CALIFORNIA

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## INVITATION TO COMMENT

### SPR22-21

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**Title**

Protective Orders: Elder Abuse Forms  
Implementing Assembly Bill 1243

**Action Requested**

Review and submit comments by May 13,  
2022

**Proposed Rules, Forms, Standards, or Statutes**

Adopt forms EA-300, EA-309, EA-315, EA-316, EA-320, and EA-330; approve forms EA-300-INFO, EA-315-INFO, and EA-320-INFO; revise forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, and EA-250,

**Proposed Effective Date**

January 1, 2023

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**Proposed by**

Civil and Small Claims Advisory Committee  
Hon. Tamara Wood, Chair

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### Executive Summary and Origin

The Civil and Small Claims Advisory Committee recommends the adoption, approval, and revision of 18 forms to implement statutory changes in Assembly Bill 1243 (Stats. 2021, ch. 273) and to make other necessary changes to accurately reflect current law. AB 1243 make two substantial changes to the laws governing protective orders for elder or dependent adults. First, it creates a new cause of action whereby an order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. Second, the bill allows courts to issue findings related to specific debts incurred as the result of financial abuse of an elder or dependent adult. The proposal incorporates these new provisions into the council's elder abuse forms and makes other minor updates to those forms.

### The Proposal

This proposal contains four distinct recommendations for council action: (1) the adoption and approval of a new series of forms to implement the legislative amendments in AB 1243 regarding a new cause of action for a restraining order allowing contact with an elder or dependent adult; (2) the revision of elder abuse forms regarding service of documents to accommodate the new series of forms in the first recommendation; (3) the revision of several elder abuse forms to implement the legislative amendments in AB 1243 regarding the new

*This proposal has not been approved by the Judicial Council and is not intended to represent the views of the council, its Rules Committee, or its Legislation Committee. It is circulated for comment purposes only.*

permissible findings that specific debts were incurred by financial abuse; and (4) revisions to existing elder abuse information sheets and orders to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders.<sup>1</sup>

## **New and revised forms for restraining orders allowing contact**

### ***EA-300 form series***

AB 1243<sup>2</sup> provides that an elder or dependent adult or certain other individuals<sup>3</sup> may obtain a restraining order allowing contact between a specific person and the elder or dependent adult under the following circumstances: (1) the person who wishes to have contact with the elder or dependent adult has a preexisting relationship with the elder or dependent adult; (2) the person to be restrained repeatedly prevented the elder or dependent adult from having contact with the person who wishes to have contact; (3) the elder or dependent adult expressly desires contact with the person; and (4) the prevention of contact between the person and the elder or dependent adult was not in response to actual or threatened abuse from the person or as a result of the elder or dependent adult's desire not to have contact with the person. (Welf. & Inst. Code, § 15657.03(b)(5)(E).)<sup>4</sup>

The new type of order to allow contact is included in the section of the Welfare and Institutions Code that contains existing provisions on protective orders for elder or dependent adults. However, many components of existing law that apply to other protective orders for elder or dependent adults are expressly excluded from the new cause of action. Specifically, notice and a hearing are required for a restraining order allowing contact to issue, meaning temporary restraining orders are not permitted. (§ 15657.03(b)(5)(E)(i).) Additionally, these new orders based solely on isolation unaccompanied by force, threat, harassment, intimidation, or any other form of abuse, are not to be transmitted to the Department of Justice and entered into the California Law Enforcement Telecommunications System (CLETS) (§ 15657.03(p)(8)) and the restrained person is not required to relinquish any firearms or ammunition (§ 15657.03(u)(4)).

Given the unique findings that must be made in order for this new type of restraining order to issue and that many of the existing elder or dependent adult restraining order provisions do not apply to orders allowing contact, the committee recommends creating a new series of elder abuse forms for such actions.<sup>5</sup> Each new proposed form parallels an existing 100-series form without inapplicable items and with certain changes. The proposed new forms are:

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<sup>1</sup> Additionally, in accordance with Judicial Council policy to update gendered items in forms when they are revised, the new and revised forms in this proposal replace "sex" with "gender" and add a "nonbinary" option for gender selection, as applicable.

<sup>2</sup> AB 1243 is online at [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1243](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243).

<sup>3</sup> In addition to the elder or dependent adult themselves, the specific individuals that may seek such an order are the persons who wish to have contact with the elder or dependent adult and specified individuals who may bring the order on behalf of the elder or dependent adult. (Welf. & Inst. Code, § 15657.03(a).)

<sup>4</sup> All further statutory citations are to the Welfare and Institutions Code unless otherwise noted.

<sup>5</sup> The committee was also concerned that using the EA-100 form series for restraining orders allowing contact may result in the inadvertent and inappropriate inclusion of respondent's information in CLETS.

- *Request for Elder or Dependent Adult Restraining Order Allowing Contact* (form EA-300);
- *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO);
- *Notice of Court Hearing to Allow Contact* (form EA-309);
- *Request to Continue Court Hearing on Request to Allow Contact* (form EA-315);
- *How to Ask for a New Date for a Hearing to Allow Contact* (form EA-315-INFO);
- *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316);
- *Response to Request for Elder or Dependent Adult Restraining Orders Allowing Contact* (form EA-320);
- *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO); and
- *Elder or Dependent Adult Restraining Order After Hearing Allowing Contact* (form EA-330).

All the proposed EA-300 forms differ from the EA-100 series in several ways. First, the form titles in the EA-300 form series generally track the EA-100 form series titles but add “allowing contact” or “to allow contact” to each title. Second, the named parties in the new EA-300 forms are different than in the form EA-100 series. Rather than referring to the “elder or dependent adult in need of protection” and the “person from whom protection is sought,” the new forms refer to the parties as: (1) the “elder or dependent adults to receive contact,” (2) the “person preventing contact” (the equivalent of the person from whom protection is sought), and (3) the “person who wants to have contact with the elder or dependent adults.” Third, because the new restraining orders allowing contact are not required to be entered into CLETS and the restrained person is not required to relinquish firearms, the proposed EA-300 forms do not contain any reference to either of those requirements (or request the identifying characteristics or address of the respondent that would be entered into CLETS). Fourth, since the EA-300 form series will only be used for orders to allow contact, the series does not contain or reference any of the various other orders that may be obtained in cases of elder or dependent adult abuse, such as orders to stay away or move out. Instead, the EA-300 form series only refer to an “order allowing contact.” Finally, since orders allowing contact may only issue after notice and a hearing, the forms do not request or refer to temporary restraining orders nor contain a temporary restraining order form. Specific substantive differences in individual forms are described below.

#### *Request (form EA-300)*

The instructions at the top of proposed form EA-300 explain that orders to allow contact cannot be issued if the elder or dependent adult is a resident of a long-term care facility or a hospital patient, as provided by amended section 15657.03(b)(5)(E)(iv) and (v). Form EA-300 also moved the item for the “person requesting order” to the first item on the form.<sup>6</sup>

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<sup>6</sup> The committee seeks comments on this reorganization of the items. In most instances the person requesting the order will be the person wishing to have contact or the elder or dependent adult themselves. Accordingly, item 1 in proposed form EA-300 provides checkboxes including that option.

Additionally, while form EA-100 permits applicants to request that the orders also protect other persons in the same household, as provided by section 15657.03(b)(5)(A), that section does not apply to orders allowing contact. However, it is possible that more than one elder or dependent adult in the same household is being prevented from seeing a particular person that both elder or dependent adults have a preexisting relationship with. Accordingly, item 3 on proposed form EA-300 allows the person requesting the order to request that the order also apply to additional elder or dependent adults in the same household. To conform to this possibility, other forms in the EA-300 series refer to elder or dependent adults (using plural rather than singular).

As noted above, form EA-300 only supports a single type of restraining order, so the form asks for information statutorily required to support that order allowing contact, including facts showing that the elder or dependent adult wants contact with a specific individual, and what the other party has done to prevent that contact. Other questions from form EA-100 seeking more general information, regarding venue and the existence of other actions between the parties are also included.<sup>7</sup>

#### *Notice (form EA-309)*

Similar to the listing of the “person requesting order” first on form EA-300, items 1a and 1b on proposed form EA-309 requests the name and address of the “person requesting order” and item 1c requests the name of the elder or dependent adults to receive contact.<sup>8</sup>

#### *Continuance forms (forms EA-315 and EA-316)*

Proposed form EA-315 is similar to form EA-115 except that there is no item asking whether a temporary restraining order is in effect and the references to the parties in item 1b have been updated to refer to the parties related to an order allowing contact. Item 1 on proposed form EA-316 is slightly different than on form EA-116. Rather than referring to the “protected party” and the “restrained party,” it refers to the “party requesting order to allow contact” and the “party preventing contact.” Proposed form EA-316 also does not contain from EA-116’s instructions to the clerk regarding CLETS.

#### *Response (form EA-320)*

Proposed form EA-320 reflects that the petitioner can only request a single order (to allow contact) under the relevant cause action. Specifically, item 3 does not allow the respondent to agree to some orders and not to others—the respondent can either agree to the order requested or not agree to it. In other items on the form the respondent can deny the allegations, justify their actions, and provide an explanation for not agreeing to the order requested.

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<sup>7</sup> Proposed form EA-300 also includes item 12, which is a request to give less than that five days’ notice of the hearing as permitted in section 15657.03(k). However, given that there will not be a temporary restraining order, it is unclear on when the court would rule on such a request. Accordingly, the committee seeks comments on whether item 12 is appropriate to include on form EA-300.

<sup>8</sup> The committee seeks comments on the organization of this item and also on item 4. Item 4 presents a similar issue to item 12 on form EA-300. As proposed, item 4 states that service must be performed at least five days before the hearing and does not provide the option for the court to allow less time for service. In contrast, item 5 on form EA-109 allows the court to specify the number of days before the hearing by which notice must be provided.

### *Order after hearing (form EA-330)*

In addition the elder or dependent adult and the party to be restrained (in these cases “the person preventing contact”), form EA-330 also requires the person who wants to have contact with the elder or dependent adults to be listed at the beginning of the form. The form does not require, however, any physical characteristics for the person preventing contact, as such information is not required to be entered into CLETS in these cases. With regard to orders, the form only includes an order allowing contact and “other orders” (the latter of which will be used in cases where the judge denies the request).

### *Information sheets (forms EA-300-INFO, EA-315-INFO, and EA-320-INFO)*

The information sheets relating to the request and response describe a restraining order allowing contact and the circumstances that must be present to obtain one, in addition to providing information regarding service and other procedural issues. Form EA-300-INFO also directs potential filers to form EA-100-INFO for information about obtaining a restraining order based on abuse instead of one allowing contact. Form EA-315-INFO closely tracks form EA-115-INFO but with updated form references and descriptions of parties.

### ***EA-200 form series***

The recommended adoption and approval of a new series of elder abuse forms would also require minor revisions to existing elder abuse forms regarding service of documents. This proposal contains the following revised forms on this topic:

- *Proof of Personal Service* (form EA-200);
- *What Is “Proof of Personal Service”?* (form EA-200-INFO); and
- *Proof of Service of Response by Mail* (form EA-250).

The proposed revisions to the above forms consist of the following: (1) revising items 1 and 2 on form EA-200 to refer to the “elder or dependent adult” and the “person from whom protection is sought or person preventing contact” so the form can be used with both the EA-100 form series and the EA-300 form series; (2) adding the applicable EA-300 series forms to the list of forms that were or must be served on each of the 200 series forms; (3) expanding the “Notice to Server,” (item 3 on forms EA-200 and EA-250), to explain that the parties to a case requesting an order allowing contact cannot also be the “server”; and (4) noting on the information sheet that certain the instructions regarding CLETS do not apply to forms in the EA-300 series.

### **Revisions relating to findings about specific debts**

In addition to creating a new type of protective order allowing contact between an elder or dependent adult and a person who meets the statutory requirements, AB 1243 also authorizes courts to make specific findings about debts in elder abuse protective orders. Specifically, new Welfare and Institutions Code section 15657.03(b)(5)(D) provides that the court may issue “[a]fter notice and a hearing only, a finding that specific debts were incurred as the result of financial abuse of the elder or dependent adult by the respondent.” While a finding does “not entitle the petitioner to any [other] remedies,” such findings may help victims of financial abuse if they sued for the debt. (*Ibid.*)

This proposal recommends the revision of several 100-series elder abuse forms implement the provisions of AB 1243 regarding specific debt findings. The proposed revised forms are:

- *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100);
- *Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO);
- *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120); and
- *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130).

This proposal revises form EA-100 to add item 18, in which the petitioner may list the specific debts that were incurred from financial abuse and describe the circumstances that led to the debts.<sup>9</sup> Similarly, the committee proposes revising form EA-100-INFO to include information about the possible finding and why it may be helpful. In light of the proposed revisions to form EA-100, the ability for respondent to agree or not agree with the requested findings has been added to proposed form EA-120 at item 9. Finally, new item 13 on proposed form EA-130 allows the court to include relevant findings in an elder or dependent adult restraining order.

## **Other Revisions**

### ***Information Sheets***

This proposal also recommends updating the language about interpreters and disability accommodations on the following EA information sheets to reflect current law:

- *Can a Restraining Order to Prevent Elder or Dependent Abuse Help Me?* (form EA-100-INFO); and
- *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?* (form EA-120-INFO).

The current language about interpreters on the above forms implies that anyone over age 18 and not involved in the case may serve as an interpreter. This is not correct. (Cal. Rules of Court, rule 2.893.) In addition, these forms state that parties may have to pay a fee for a court interpreter. This is also no longer correct. (Evid. Code § 756.) The committee recommends that the information regarding interpreters on those forms be revised to include the following information after the first sentence directing filers to ask the clerk if an 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 [www.courts.ca.gov/selfhelp-interpreter.htm](http://www.courts.ca.gov/selfhelp-interpreter.htm).” The website provided at the link is translated into several languages, which are accessible at the top of the page.

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<sup>9</sup> Item 6 on form EA-100 has also been revised to clarify that the information sought is about the relationship between the persons listed in item 6 and the elder or dependent adult, and whether those persons live with the elder or dependent adult. The current version of the form is unclear as it uses “you” without specifying who “you” is. A similar change has also been made to form EA-130.

This proposal also recommends broadening the language about disability and updating the name of form MC-410, which is now titled, “Disability Accommodation Request.” The committee proposes broadening the language on these forms (and also includes similar language on forms EA-300-INFO and EA-320-INFO) to include reference to “disabilities,” as opposed to just hearing disabilities and to also reference the information sheet about requesting court accommodations—*How to Request a Disability Accommodation for Court* (form MC-410-INFO).

Similar changes are being made in information sheets for civil harassment, school violence, and workplace violence restraining orders in a separate proposal.

### ***Order forms—Priority of Enforcement***

Finally, this proposal recommends updating the description of priorities of enforcement to reflect current law on the following forms:

- *Temporary Restraining Order (Elder or Dependent Adult Abuse Prevention)* (form EA-110); and
- *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130).

Specifically, the “Conflicting Orders—Priorities of Enforcement” item in the “Instructions for Law Enforcement” on the forms does not accurately reflect the current provisions of Penal Code section 136.2(e)(2). That section prioritizes enforcement of criminal protective orders in pending cases for domestic violence offenses, specified sex offenses, and offenses requiring sex offender registration over a civil protective order against the same defendant. Additionally, AB 1171 (Stats. 2021, ch. 626) repealed Penal Code section 262 on spousal rape and amended 136.2(e)(2) to include “former 262.” The committee recommends incorporating the statutory changes and some rewording for clarity and plain language. Identical language is also being proposed on forms for civil harassment, criminal, domestic violence, private postsecondary school violence, and workplace violence restraining orders in separate proposals.

### **Alternatives Considered**

Because AB 1243 provides for issuance of an order allowing contact with an elder or dependent adult under certain circumstances and also judicial findings regarding the debts of elder or dependent adults who are victims of financial abuse, none of which is provided for on the council’s current mandatory elder abuse forms, the committee determined it must act and that taking no action would be inappropriate.

In addition to this proposal, the committee considered adding items related to the new orders allowing contact to the existing EA-100 form series but concluded that doing so would result in confusion and an overly complex set of forms. Not only will cases concerning an order to allow contact require the pleading of additional facts and potentially the identification of another party (the person wishing to contact the elder or dependent adult), but many of the items on the existing EA-100 forms series would not apply in such cases. Trying to capture the additional

information and explain that certain items do not apply to certain types of cases in a single set of forms proved difficult to explain and to understand.

### **Fiscal and Operational Impacts**

Most of the impacts arising from this new law—including education of judicial officers, staff, and justice partners as to the new provisions—are a result of the statute, not the forms proposal. The committee anticipates that this proposal will result in some costs incurred by courts to incorporate new forms into their paper or electronic processes and to train court staff. However, all the new and revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks and judicial officers to process requests for orders to allow contact or findings related to specific debts.



### Request for Specific Comments

In addition to comments on the proposal as a whole, the advisory committee is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?
- Is the organization of items 1 through 4 in form EA-300 appropriate, or should the elder or dependent adult always be listed first?
- Courts are permitted to shorten the time for service of the petition and notice of hearing. Item 12 in form EA-300 allows petitioner to make such a request but given that the court cannot issue a temporary restraining order it is unclear when the court would rule on such a request. Is item 12 on form EA-300 appropriate or should the committee develop an alternative means for petitioners to seek authority to provide less than five days' notice for future consideration?
- Is the organization of item 1 in form EA-309 appropriate, or should the elder or dependent adult always be listed first?
- Given the concerns about when a court would rule on a request to shorten time, it is appropriate that item 4 on form EA-309 states that service must be performed at least five days before the hearing?

The advisory committee also seeks comments from *courts* on the following cost and implementation matters:

- Would the proposal provide cost savings? If so, please quantify.
- What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would 3 months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

### Attachments and Links

1. Forms EA-100, EA-100-INFO, EA-110, EA-120, EA-120-INFO, EA-130, EA-200, EA-200-INFO, EA-250, EA-300, EA-300-INFO, EA-309, EA-315, EA-315-INFO, EA-316, EA-320, EA-320-INFO, EA-330, at pages 10–70
2. Link A: AB 1243,  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1243](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243)

Clerk stamps date here when form is filed.

**DRAFT****3/23/2022****Not approved by  
the Judicial Council**

Read *Can an Elder or Dependent Adult Abuse Restraining Order 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: \_\_\_\_\_**2 Person From Whom Protection Is Sought**

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

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

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

Fill in court name and street address:

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

**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.)

Court fills in case number when form is filed.

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

**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 his or her ability to carry out normal activities or to protect his or her rights. (Briefly describe limitations on the 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	Relation to person in ①?	Lives with person in ①?
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

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 the 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 the 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 the attached sheet of paper or form MC-025 and write "Attachment 8b(3)—Describe Abuse" for a title.

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

(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 the attached sheet of paper or form MC-025 and write "Attachment 8b(5)—Use of Weapons" for a title.

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

(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 the attached sheet of paper or form MC-025 and write "Attachment 8b(6)—Harm or Injury" for a title.

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

(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 him or her, did not allow him or her to have or receive, or did not provide him or her 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 him or her):  
 Check here if there is not enough space for your answer. Put your complete answer on the 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 the 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 e-mail, 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 the attached sheet of paper or form MC-025 and write "Attachment 11c—Other Personal Conduct Orders" for a title.

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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*): \_\_\_\_\_

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b. If the court orders the person in **2** to stay away from all the places listed above, will he or she still be able to get to his or her 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 the attached sheet of paper or form MC-025 and write "Attachment 12b—Stay-Away Orders" for a title.

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**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):

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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:

- a. The person in **2** assaulted or threatened the person in **1** ; and
  - b. 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 the attached sheet of paper or form MC-025 and write "Attachment 13b—My Right to Residence" for a title.
- 
- 

**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.

- a. I request the person in item **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).
  - b. Explain why you are requesting an order that the person in item **2** attend clinical counseling or anger management courses.
    - Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 14b— Counseling or Anger Management" for a title.
- 
- 
- 

**15** **Guns or Other Firearms and Ammunition**

Does the person in **2** own or possess any guns or other firearms?  Yes  No  I don't know

*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 a gun, other firearm, 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 guns or firearms within his or her immediate possession or control.*

**This is not a Court Order.**



**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 the attached sheet of paper or form MC-025 and write "Attachment 16—Temporary Restraining Order" for a title.

**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 the attached sheet of paper or form MC-025 and write "Attachment 17—Request to Give Less Than Five Days' Notice" for a title.

**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 the attached sheet of paper or form MC-025 and write "Attachment 18b—How Debt Was Incurred" for a title.

**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 the 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.)

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

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 the attached sheet of paper or form MC-025 and write "Attachment 20a—Possession of Animals" for a title.

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

- 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 the 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.**

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 a gun

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 on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). 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, e-mails, 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 [www.courts.ca.gov/selfhelp-interpreter.htm](http://www.courts.ca.gov/selfhelp-interpreter.htm).

**EA-109**

**Notice of Court Hearing**

Clerk stamps date here when form is filed.

- 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.: \_\_\_\_\_

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

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 e-mail.):

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

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

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

E-Mail Address: \_\_\_\_\_
- 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: \_\_\_\_\_
- ④ **Temporary Restraining Orders (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, *Request for Elder on Dependent Adult Abuse Restraining Orders* are (check only one box below):

(1)  All GRANTED until the court hearing.

(2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)

(3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)

Judicial Council of California, www.courts.ca.gov  
 New January 1, 2012, Mandatory Form  
 Welfare and Institutions Code, § 19657.03  
 Approved by DOJ

**Notice of Court Hearing**  
(Elder or Dependent Adult Abuse Prevention)

EA-109, Page 1 of 3  
→



**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.

**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.

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

*[Local information may be inserted.]*

**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*.

Clerk stamps date here when form is filed.

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

**DRAFT**  
**3/15/2022**  
**Not approved by  
the Judicial Council**

**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**

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

Description:

Gender: <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> Nonbinary	Height: _____	Weight: _____	Date of Birth: _____
Hair Color: _____	Eye Color: _____	Age: _____	Race: _____
Home Address (if known): _____			
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
_____	_____	_____	<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 expires at the end of the hearing scheduled for the date and time below:

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

**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*):  


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- (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*):

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

**This is a Court Order.**





**8 No Guns or Other Firearms and 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 guns, other firearms, or ammunition.
- b. You must:
  - (1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms 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 guns or firearms have been turned in, sold, or stored. *(You may use form EA-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.)*
- c.  The court has received information that you own or possess a firearm.

**9 Financial Abuse**

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

**10 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 him or her, or reside in his or her 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.

**11 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 11.

**This is a Court Order.**





**To the Person in ① :**

**⑫ 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 12.

**⑬ No Fee to Serve (Notify) Restrained Person**

If the sheriff or marshal serves this Order, he or she will do it for free.

**⑭** Number of pages attached to this Order, if any: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



## Warnings and Notices to the Restrained Person in ②

### Possession of Guns or Firearms

If the court grants the orders in item ⑧, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition 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 guns or other firearms that you have or control as stated in item 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 item 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.

### 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 [www.courts.ca.gov/forms](http://www.courts.ca.gov/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 Orders 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.

**This is a Court Order.**

**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 item 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.

**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 of Enforcement**

**If more than one restraining order has been issued, the orders must be enforced according to the following priorities:** (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must 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.**

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

Clerk stamps date here when form is filed.

**DRAFT**

**3/15/2022**

**Not approved by the Judicial Council**

**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.)

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**(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).)

**(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: \_\_\_\_\_

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**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item **(14)** on page 4.)
- c.  I agree to the following orders (specify below or in item **(14)** on page 4):

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

**(4)  Stay-Away Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. (Specify why you disagree in item **(14)** on page 4.)
- c.  I agree to the following orders (specify below or in item **(14)** on page 4):

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



**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 item 14 on page 4.*)
- c.  I agree to the following orders (*specify below or in item 14 on page 4*):
- 
- 

**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 item 14 on page 4.*)
- c.  I agree to the following orders (*specify below or in item 14 on page 4*):
- 
- 

**8** **Guns or Other Firearms and Ammunition**

**If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any guns, other firearms, or ammunition. (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 guns or other firearms 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, *Proof of Firearms Turned In, Sold, or Stored*, for the receipt.**

- a.  I do not own or control any guns, firearms, magazines or ammunition.
- b.  I ask for an exemption from the firearms prohibition under Code of Civil Procedure section 527.9(f) because carrying a firearm is a condition of my employment, and my employer is unable to reassign me to another position where a firearm is unnecessary. (*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 8b—Firearms Surrender Exemption" as a title. You may use form MC-025, Attachment.*
- 
- 

- c.  I have turned in my guns and firearms to the police or sold them to or stored them with a licensed gun dealer.
- A copy of the receipt  is attached.  has already been filed with the court.

**9**  **Debts Caused by Financial Abuse**

- a.  I agree to the findings requested.
- b.  I do not agree to the findings requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following findings *(specify below or in item 14 on page 4):*

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**10**  **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 item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*

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**11**  **Other Orders**

- a.  I agree to the orders requested.
- b.  I do not agree to the orders requested. *(Specify why you disagree in item 14 on page 4.)*
- c.  I agree to the following orders *(specify below or in item 14 on page 4):*

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**12**  **Denial**

I did not do anything described in item 8 of form EA-100. *(Skip to 13.)*

**13**  **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 13—Justification or Excuse" as a title. You may use form MC-025, Attachment.*

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**14**  **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 14—Reasons I Disagree" as a title. You may use form MC-025, Attachment.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**15**  **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 the attached sheet of paper and write "Attachment 15—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 his or her lawyer's fees and costs.

**16** 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



**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 guns as long as the order is in effect

**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 on the Internet at [www.courts.ca.gov](http://www.courts.ca.gov). 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.

**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.

**EA-109 Notice of Court Hearing** Clerk stamps date here when form is filed.

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.: \_\_\_\_\_  
 b. Firm Name: \_\_\_\_\_  
 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 e-mail):  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 E-Mail 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: \_\_\_\_\_

4 **Temporary Restraining Orders** (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, *Request for Elder or Dependent Adult Abuse Restraining Orders* are (check only one box below):  
 (1)  All GRANTED until the court hearing.  
 (2)  All DENIED until the court hearing. (Specify reasons for denial in b, below.)  
 (3)  Partly GRANTED and partly DENIED until the court hearing. (Specify reasons for denial in b, below.)



**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.

**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 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 him or her 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.

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

*[Local information may be inserted.]*

**What if I have a gun?**

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a gun, other firearm, or ammunition while the order is in effect. If you have a gun or other firearm in your immediate possession or control, you must sell it to or store it with a licensed gun dealer or turn it in to a law enforcement agency.

**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.

**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 [www.courts.ca.gov/selfhelp-interpreter.htm](http://www.courts.ca.gov/selfhelp-interpreter.htm).

**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*.

Clerk stamps date here when form is filed.

**DRAFT**

**3/23/2022**

**Not approved by the Judicial Council**

Person in ① must complete items 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**

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

**Gender:**  M  F  Nonbinary    Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
 Hair Color: \_\_\_\_\_ Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Race: \_\_\_\_\_  
 Home Address (if known): \_\_\_\_\_  
 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 e-mail, 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.
  - (2)  Each person in ③.
  - (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. 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 item **(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 item **(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 item **(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 item **(2)** must appear for a court date on

(*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_ in Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**10**  **No Guns or Other Firearms and 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 guns, other firearms, or ammunition.**

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

- Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any guns or other firearms in your immediate possession or control. This must be done within 24 hours of being served with this Order.
- File a receipt with the court within 48 hours of receiving this Order that proves that your guns or firearms have been turned in, sold, or stored. (*You may use form EA-800, Proof of Firearms Turned In, Sold, or Stored, for the receipt.*)

c.  The court has received information that you own or possess a firearm.

d.  The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in **(2)** is not required to relinquish this firearm (*specify make, model, and serial number of firearm*): \_\_\_\_\_

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in **(2)** may be subject to federal prosecution for possessing or controlling a firearm.

**This is a Court Order.**



**11 Financial Abuse**

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

**12 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 him or her, or reside in his or her 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.

**13 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.

<u>Money Owed To:</u>	<u>For:</u>	<u>Amount:</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Additional debts are attached at the end of this Order on Attachment 13.

**14 Lawyer's Fees and Costs**

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

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

Additional amounts are attached at the end of this Order on Attachment 14.

**15 Other Orders (specify):**

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

Additional orders are attached at the end of this Order on Attachment 15.

**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, 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 Agency

Address (City, State, Zip)

\_\_\_\_\_

- Additional law enforcement agencies are listed at the end of this Order on Attachment 16.

**17 Service of Order on Restrained Person**

- a.  The person in ② personally attended the hearing. No other proof of service is needed.
- b.  The person in ① was at the hearing. The person in ② was not.
  - (1)  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.
  - (2)  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.

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

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

**19** Number of pages attached to this Order, if any: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



## Warning and Notice to the Restrained Person in ②:

### You Cannot Have Guns or Firearms

If the court grants the orders in item ⑩ on page 3 (unless item 10d is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition 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 guns or other firearms that you have or control as stated in item 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, 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 5. The order *ends* on the expiration date in item 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.

### 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).)

**This is a Court Order.**



## Instructions for Law Enforcement

### Conflicting Orders—Priority of Enforcement

**If more than one restraining order has been issued, the orders must be enforced in the following order of precedence:** *(See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)*

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders includes an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must 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

**This is a Court Order.**



Clerk stamps date here when form is filed.

**DRAFT**

**03/23/2022**

**Not approved by  
the Judicial Council**

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**1 Elder or Dependent Adult**

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

**2 Person From Whom Protection Is Sought or Person 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, *Proof of Firearms Turned In, Sold, or Stored* (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 After Hearing Allowing Contact*
- 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: \_\_\_\_\_

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*

**What is “Service”?**

These forms cannot be served by mail. 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 *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100), the *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) must be served “in person.” That means that someone must personally “serve” (give) a copy of the forms to the person to be restrained.

**DRAFT**

Service lets the other person know:

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

**3/23/2022****Not approved by  
the Judicial Council****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**. 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 him or her.
- 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 page 1 of form EA-109 or form EA-309.

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

③ **Notice of Hearing**

**Hearing Date** → Date: \_\_\_\_\_  
Dept.: \_\_\_\_\_

⑤ **Service of Documents By the Person in ①**

At least  five  \_\_\_\_\_ days before the hearing,

Look at a calendar. Subtract the number of days in ⑤ from the hearing date. That is the final date to have the orders served. It is always OK to serve earlier than that date. If nothing is checked or written in ⑤, 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 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.
- If the sheriff serves the papers, he or she will send the proof of service to the court and CLETS for you.
- 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.**

### 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 and to Reissue Temporary Restraining Order* (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, *Notice of New Hearing Date and Order on Issuance*, (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.

*Clerk stamps date here when form is filed.*

**DRAFT**  
**3/23/2022**  
**Not approved by the Judicial Council**

**1 Elder or Dependent Adult Seeking Protection**

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

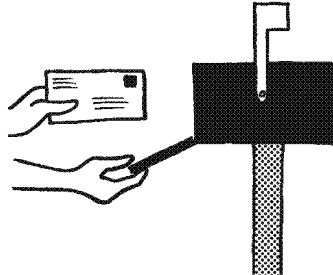
**2 Person From Whom Protection Is Sought**

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*

Clerk stamps date here when form is filed.

**Use this form to obtain an order allowing contact between an elder or dependent adult and another person**

- Such an order cannot be issued if the elder or dependent adult lives in a long-term care or residential facility or is a patient at a hospital.
- Read *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO) before completing this form.

**DRAFT**

**3/24/2022**

**Not approved by the Judicial Council**

**1 Person Requesting Order**

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

- a.  An elder or dependent adult named in ③.
- b.  The person the elder or dependent adult wishes to contact named in ④.
- c.  Name: \_\_\_\_\_  
 conservator of the  person  estate  person and estate  
 of the person named in ③, appointed by (name of court):  
 \_\_\_\_\_  
 Case No.: \_\_\_\_\_
- d.  Other person legally authorized to make this request (name):  
 \_\_\_\_\_

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

(Show this person's legal authority to make this request on an attached sheet of paper. Write "Attachment 1d—Information About Person Requesting Order" for a title. You may use form MC-025, Attachment.)

**2 Person Preventing Contact**

Full Name: \_\_\_\_\_  
 Address (if known): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**3 Elder or Dependent Adults to Receive Contact**

- a. Full Name: \_\_\_\_\_ Age: \_\_\_\_\_
  - b. Additional elder or dependent adults to receive contact (If there are additional elder or dependent adults in the same household that also want to have contact with the person named in ④ list those persons and their age below.)  
 Full Name: \_\_\_\_\_ Age: \_\_\_\_\_  
 Full Name: \_\_\_\_\_ Age: \_\_\_\_\_
- Check here if there are more elder or dependent adults in the same household that also want to have contact with the person named in ④. List those persons and their age on an attached sheet of paper titled, "Attachment 3—Additional Elder or Dependent Adults." You may use form MC-025, Attachment.

**This is not a Court Order.**



**4 Person Who Wants to Have Contact with the Elder or Dependent Adults**

- a. Full Name: \_\_\_\_\_
- b. Describe this person's preexisting relationship to the elder or dependent adults named in ③:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 4—Preexisting Relationship" for a title.

**5 Contact Information**

Contact information for the person asking the court for an order

- 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.)

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

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

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

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

**6 Description of Elder or Dependent Adult**

The person or persons named in ③ (check a, b, or c):

- a.  Are all age 65 or older and residents of California.
- b.  Are all residents of California and adults under age 65. These persons have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Briefly describe limitations on the attached sheet of paper or form MC-025. Write "Attachment 6b—Description of Elder or Dependent Adult" for a title.)
- c.  Are all residents of California and some are adults age 65 or older and some are adults under age 65. The adults under age 65 have physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights. (Identify which persons are 65 or older and identify and briefly describe the limitations of those under age 65 on the attached sheet of paper or form MC-025. Write "Attachment 6c—Description of Elder or Dependent Adult" for a title.)

**This is not a Court Order.**



**7 Relationship to Person Preventing Contact**

How do the elder or dependent adults know the person in (2)? (Explain below):

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

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**8 Facts Supporting Order Allowing Contact**

The person in (1) must show:

- That the elder or dependent adults expressly desire contact with the person named in (4);
- That the person in (2) has repeatedly prevented that contact;
- That the prevention of contact was not in response to an actual or threatened abuse of the elder or dependent adults by the person named in (4); and
- That the prevention of contact was not in response to the desire of elder or dependent adults to not have contact with the person named in (4).

a. Describe the elder or dependent adults desire to have contact with the person named in (4) and attach any documentation demonstrating such desire:

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Check here if documentation is attached or if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8a—Describe Desire to Contact" for a title.

b. (1) When has the person in (2) prevented the person named in (4) from seeing the elder or dependent adults? (Provide dates or estimated dates):

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(2) Describe how the person in (2) has prevented the person named in (4) from seeing the elder or dependent adults.

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Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Describe Prevention."

**This is not a Court Order.**





**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 (2) prevented the person in (4) from seeing the elder or dependent adults in this county.
- c.  Other (specify): \_\_\_\_\_

**10 Other Court Cases**

a. Has the person in (2) or the person in (4) been involved in another court case with the elder or dependent adults?  No  Yes (If yes, specify the kind of each case and indicate where and when each was filed):

	<u>Kind of Case</u>	<u>Filed in (County/State)</u>	<u>Year Filed</u>	<u>Case Number (if known)</u>
(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 elder and dependent adults and the person in (2) or the person in (4)?  No  Yes (If yes, attach a copy if you have one.)

**11 Order Allowing Contact**

I ask the court to order the person in (2) to allow the person in (4) to contact the elder or dependent adults with the following terms:

- a.  The person in (2) may not prevent the person named in (4) from in-person or remote online or telephonic visits with the elder or dependent adults named in (3).
- b.  Other terms requested for the order allowing contact (specify):  
 Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 11b—Other Order Terms" for a title.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**This is not a Court Order.**



**12**  **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 the attached sheet of paper or form MC-025 and write "Attachment 12—Request to Give Less Than Five Days' Notice" for a title.*

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

**13**  **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 the attached sheet of paper or form MC-025 and write "Attachment 13—Lawyer's Fees and Costs" for a title.*

**14** 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.**

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 allowing contact?**

If a person repeatedly prevents contact between an elder or dependent adult and someone the elder or dependent adult wishes to have to contact with, the court may issue an order allowing contact.

### **When will the court grant a restraining order allowing contact?**

The court will grant a restraining order allowing contact if:

- An elder or dependent adult has a preexisting relationship with and wants to have contact with a specific person;
- Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person the elder or dependent adult wishes to have contact with.

If you want a restraining order for other abuse, such as physical or financial abuse, read form EA-100-INFO, *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?*

### **How will the order help me?**

The court can order the person preventing contact to stop preventing the contact.

### **Who can apply for an elder or dependent adult restraining order allowing contact?**

In addition to the elder or dependent adult, the following persons may apply for a restraining order allowing contact 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;
- An individual with a preexisting relationship who the elder or dependent adult wishes to have contact with, but is being prevented from doing so; and
- 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 fee for the other party.

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

You must fill out all of form EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*. If you need attachments, you may use form MC-025, *Attachment*. You must also fill out items 1 and 2 on form EA-309, *Notice of Court Hearing to Allow Contact*.

### **Where can I get these forms?**

You can get the forms from legal publishers or on the internet at [www.courts.ca.gov](http://www.courts.ca.gov). 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 prevention of contact took place or where the person preventing contact 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.



**How soon can I get the order?**

Orders to stop preventing a person from seeing an elder or dependent adult can only be issued after a hearing. Accordingly, the date of the hearing is the earliest the order can be granted.

**How long does the order last?**

The length of the order is determined by the court and could last for up to five years.

**How will the person preventing contact know about my request for an order?**

Someone age 18 or older—not you or anybody else involved in the case—must “serve” (give) the person to be restrained a copy of the notice of hearing and other forms listed on that notice. 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”?*

**Do I have to go to court?**

Yes. Go to court on the date the clerk gives you, which is found on form EA-309.

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

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

- Witnesses
- Written statements from witnesses made under oath
- Letters, e-mails

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.

**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.

**Can the elder or dependent adult and the person preventing contact agree to cancel the order?**

No. Once the order is issued, only the judge can change or cancel it. The person who requested the order or the person preventing contact would have to file a request with the court to cancel the order.

**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 [www.courts.ca.gov/selfhelp-interpreter.htm](http://www.courts.ca.gov/selfhelp-interpreter.htm).

**What if I have a disability?**

If you have a disability and need an accommodation while you are at court, you can use form MC-410, *Disability Accommodation Request*, to make your request. You can also ask the ADA Coordinator in your court for help. For more information, see form MC-410-INFO, *How to Request a Disability Accommodation for Court*.

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

*[Local information may be inserted.]*

*Clerk stamps date here when form is filed.*

**DRAFT**  
  
**3/23/2022**  
  
**Not approved by  
the Judicial Council**

*Fill in court name and street address:*

**Superior Court of California, County of**

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

**Case Number:**

**1 Person Requesting Order**

a. 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: \_\_\_\_\_

c. Elder or Dependent Adults to Receive Contact, if not listed in a.  
Name elder or dependent adults if different from above:

\_\_\_\_\_

**2 Person Preventing Contact**

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 order allowing contact against the person in ②:**

Name and address of court if different from above:

**Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

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



**④ Service of Documents by The Person in ①**

At least five days before the hearing, someone age 18 or older—**not you or anybody else involved in the case**—must personally give (serve) a court file-stamped copy of this form EA-309, *Notice of Court Hearing to Allow Contact*, to the person in ② along with a copy of all the forms indicated below:

- a. EA-300, *Request for Elder or Dependent Abuse Restraining Order Allowing Contact* (file-stamped)
- b. EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact* (blank form)
- c. EA-320-INFO, *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?*
- d. EA-250, *Proof of Service of Response by Mail* (blank form)

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

\_\_\_\_\_  
*Judicial Officer***To the Person in ① :**

- The court cannot make the restraining order requested unless the person in ② has been personally given (served) a copy of your request. 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”?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Use form EA-315, *Request to Continue Court Hearing on Request to Allow Contact*.

**To the Person in ② :**

- If you want to respond to the request for an order in writing, file form EA-320, *Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact*, and have someone age 18 or older—**not you or anybody else involved in the case**—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 order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may make a restraining order against you that could last up to five years.



**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 [www.courts.ca.gov/forms](http://www.courts.ca.gov/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 to Allow Contact* is a true and correct copy of the original on file in the court.

*Clerk's Certificate*  
*[seal]*

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

Clerk, by \_\_\_\_\_, Deputy

**Request to Continue Court Hearing  
on Request to Allow Contact**

Clerk stamps date here when form is filed.

**DRAFT**

**3/23/2022**

**NOT APPROVED BY THE  
JUDICIAL COUNCIL**

**Instructions:** Use this form to ask the court to reschedule the court date listed on form EA-309, *Notice of Court Hearing to Allow Contact*. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*, for more information.

**1 Parties Information**

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

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

(1)  Elder or Dependent Adult to Receive Contact (*skip to* **2**).

(2)  Person asking for the order to allow contact  
(*name of elder or dependent adults*): \_\_\_\_\_

(*skip to* **2**).

(3)  Person preventing contact (*provide your 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: \_\_\_\_\_

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

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

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

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

**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.**





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

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

- a.  I need more time to have the person preventing contact personally served.
- b.  I am the person preventing contact 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.**

**1 You may need to ask for a new court date if:**

- You are the person asking for the order and are unable to have *Notice of Court Hearing to Allow Contact* (form [EA-309](#)) and other papers served in time before your court date.
- You are the person said to be preventing contact and making your first request to reschedule your court date.
- You have a good reason for needing a new court date. (The court may grant your request to reschedule on a showing of good cause.)

**2 What does form EA-315 do?**

Use *Request to Continue Court Hearing on Request to Allow Contact* (form [EA-315](#)) to ask the court to reschedule your court date.

**3 Follow these steps:**

- Fill out all of form [EA-315](#).
- Fill out items **1** and **2** on *Order on Request to Continue Hearing on Request to Allow Contact* (form [EA-316](#)).
- The judge will need to review your papers. In some courts, you must give your papers to the clerk. Ask the court clerk for information on how you ask the judge to review your papers.
- After you turn in your forms as required by your local court, check with the clerk's office to see if the judge approved (granted) your request to reschedule your court date.
- If the judge grants your request, in item 3b of form EA-316, you will have a new court date. If the judge did NOT grant your request, you should go to court at the date, time, and location on form EA-309.
- Next, file both forms [EA-315](#) and [EA-316](#) with the clerk. The clerk will make up to three file-stamped copies for you. Keep at least one copy to bring to your court date.
- The other party must be served a copy of the court papers as described in item **5** on form [EA-316](#).
- Ask the person who serves the papers to complete a proof of service form and give it to you. If service was in person, use *Proof of Personal Service* (form [EA-200](#)). If service was by mail, use *Proof of Service—Civil* (form [POS-040](#)). Make two copies of the completed forms.
- File the completed and signed proof of service form with the clerk's office before your court date.

**4 Go to your court date**

- Take at least two copies of your documents and filed forms to your court date. Include a filed proof of service form. "Documents" may include exhibits and declarations, and the court may enter them into evidence at its discretion.
- If you are the person preventing contact and you do not go to the hearing, the court can still make an order against you that can last for up to five years.

**5 Need help?**

Ask the court clerk about free or low-cost legal help that may be available in your county.

Clerk stamps date here when form is filed.

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**3/23/2022**

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the Judicial Council**

Complete items ① and ② only.

① **Party Requesting Order to Allow Contact:**

\_\_\_\_\_

② **Party Preventing Contact:**

\_\_\_\_\_

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

Fill in court name and street address:

**Superior Court of California, County of**

③ **Next Court Date**

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

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

Your court date is not rescheduled because: \_\_\_\_\_

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

Fill in case number:

**Case Number:**

\_\_\_\_\_

b.  The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ④–⑦ for more information.

Name and address of court, if different from above:

**New  
Court  
Date** →

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

\_\_\_\_\_

④ **Reason Court Date Is Rescheduled**

a.  There is good cause to reschedule the court date (*check one*):

(1)  The party requesting the order has not served the party preventing contact.

(2)  Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  This is the first time that the party preventing contact has asked for more time to prepare.

c.  The court reschedules the court date on its own motion.

**This is a Court Order.**



**5 Serving (Giving) Order to Other Party**

The request to reschedule was made by the:

a.  **Party Requesting Order**

b.  **Party Preventing Contact**

c.  **Court**

(1)  You do not have to serve the party preventing contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2)  You must have the party preventing contact personally served with a copy of this order and a copy of all documents listed on form [EA-309](#), item **5**, by (date): \_\_\_\_\_

(3)  You must have the party preventing contact 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 party requesting contact because they or their lawyer were at the court date or agreed to reschedule the court date.

(2)  You must have the party requesting contact personally served with a copy of this order by (date): \_\_\_\_\_

(3)  You must have the party requesting contact 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.**



**6 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.

**7  Other Orders**

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

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 [www.courts.ca.gov/forms.htm](http://www.courts.ca.gov/forms.htm) for *Disability Accommodation Request (form MC-410)*. (Civ. Code, § 54.8.)

**—Clerk's Certificate—**

Clerk’s Certificate

[seal]

I certify that this *Order on Request to Continue Hearing on Request to Allow Contact* (form EA-316) is a true and correct copy of the original on file in the court.

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

**This is a Court Order.**

**Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact**

Clerk stamps date here when form is filed.

**DRAFT**

**3/23/2022**

**Not approved by the Judicial Council**

**Use this form to respond to the Request (form EA-300)**

- Read *How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?* (form EA-320-INFO) to protect your rights.
- Fill out this form and take it to the court clerk.
- Have someone age 18 or older—**not you or anybody else involved in the case**—serve the person or persons listed 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.)

Fill in court name and street address:

**Superior Court of California, County of**

Court fills in case number when form is filed.

**Case Number:**

**① Elder or Dependent Adults to Receive Contact**

Names: \_\_\_\_\_

Name of person asking for the order allowing contact, if different (This is the person named in item ① of the request (form EA-300).)

**② Person Preventing Contact**

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: \_\_\_\_\_

Present your response and any opposition at the hearing. Write your hearing date, time, and place from form EA-309, item ③, here:

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

At the hearing, the court may make an order against you that last for up to five years.

**③  Order Allowing Contact**

a.  I agree to the order requested.

b.  I do not agree to the order requested. (Specify why you disagree in item ⑥ on page 4.)

**④  Denial**

I did not do anything I was accused of in item ⑧ of form EA-300. (Skip to ⑥.)





7  **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 the attached sheet of paper and write "Attachment 7—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 the order named in 1 that I pay his or her lawyer's fees and costs.

8 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*



**What is a restraining order allowing contact?**

It is a court order that prohibits you from preventing an elder or dependent adult from having contact with someone the elder or dependent wishes to have contact with.

**Who can ask for a restraining order allowing contact?**

If you are preventing an elder or dependent adult from having contact with a person that the elder or dependent adult wishes to have contact with the following people can ask for a restraining order:

- The elder or dependent adult;
- The person that the elder or dependent adult is being prevented from seeing; *or*
- A conservator, attorney-in-fact, or person appointed guardian ad litem for the elder or dependent adult

**I've been served with a request for elder or dependent adult restraining order allowing contact. What do I do now?**

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court.

**What if I don't agree with what the request says?**

If you disagree with the order the person is asking for, fill out form EA-320, *Response to Request for Elder and Dependent Adult Restraining Order Allowing Contact*, 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 on the internet at [www.courts.ca.gov](http://www.courts.ca.gov). You also may be able to find them at your local courthouse or county law library.

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**the Judicial Council**

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

Yes. Have someone age 18 or older—**not you or anybody else involved in the case**—mail a copy of completed form EA-320 to the other parties in the case (or their lawyers). (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 a completed form back to the court clerk or bring it with you to the hearing.

**Should I go to the court hearing?**

Yes. You should go to court on the date listed on form EA-309, *Notice of Court Hearing to Allow Contact*. If you do not go to the hearing, the judge can make an order against you without hearing from you.

**How long does the order last?**

The length of the order is determined by the court and could last for up to five years.

**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 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 that 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.



**Can I agree with the elder or dependent adult to cancel the order?**

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

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

*[Local information may be inserted.]*

**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 [www.courts.ca.gov/selfhelp-interpreter.htm](http://www.courts.ca.gov/selfhelp-interpreter.htm).

**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*.

Clerk stamps date here when form is filed.  
  
**DRAFT**  
  
**3/23/2022**  
  
**Not approved by the Judicial Council**

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

**① Elder or Dependent Adults to Receive Contact**

- a. Full Names: \_\_\_\_\_  
 Name of person asking for the order, if different (*This is the person checked in item ① of the request (form EA-300).*)  
 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 Person Preventing Contact**

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

**③ Person Who Wants to Have Contact with the Elder or Dependent Adults**

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

**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.

**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 adults to receive contact
  - (2)  The lawyer for the elder or dependent adults (*name*): \_\_\_\_\_
  - (3)  The person in ① requesting the order (if not the elder or dependent adult)
  - (4)  The lawyer for the person in ① requesting the order (*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): \_\_\_\_\_.

**This is a Court Order.**

**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  **Order Allowing Contact**

a.  You may not prevent the person in ③ from in-person or remote online or telephonic visits with the elder or dependent adults in ①.

b.  Other terms of order allowing contact (*specify*):

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

⑦  **Other Orders** (*specify*):

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

Additional orders are attached at the end of this Order on Attachment 7.

⑧  **Lawyer's Fees and Costs**

You must pay to the person who requested the order the following amounts for  lawyer's fees  costs:

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

Additional amounts are attached at the end of this Order on Attachment 8.

**This is a Court Order.**



**To the Person in ① :**

**⑨ Service of Order**

- a.  The person in ② personally attended the hearing. No other proof of service is needed.
- b.  The person in ② was not at the hearing. Someone—but not anyone in ①—must personally serve a copy of this Order on the person in ②.

**⑩ No Fee to Serve (Notify) Restrained Person**

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

**⑪** Number of pages attached to this Order, if any: \_\_\_\_\_

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

\_\_\_\_\_  
*Judicial Officer*

**This is a Court Order.**



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

This order is enforceable by any law enforcement agency that has received the order or is shown a copy of the order. 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 Order**

This order *starts* on the date next to the judge’s signature on page 3. The order *ends* on the expiration date in item ③ 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.

**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.

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.

**Conflicting Orders—Priority of Enforcement**

**If more than one restraining order has been issued, the orders must be enforced in the following order of precedence:** (See Pen. Code, § 136.2; Fam. Code, §§ 6383(h)(2), 6405(b).)

1. *EPO*: If one of the orders is an *Emergency Protective Order* (form EPO-001) and is more restrictive than other restraining or protective orders, it has precedence in enforcement over all other orders.
2. *No-Contact Order*: If there is no EPO, a no-contact order that is included in a restraining or protective order has precedence over any other restraining or protective order.
3. *Criminal Order*: If none of the orders include an EPO or a no-contact order, a criminal protective order (CPO) issued in a criminal case involving domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil restraining order that conflicts with the CPO. All orders in the civil restraining order that do not conflict with the CPO must be enforced.
4. *Family, Juvenile, or Civil Order*: If more than one family, juvenile, or other civil restraining or protective order has been issued, the one that was issued last must be enforced.

Clerk’s Certificate  
[seal]

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

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

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

**This is a Court Order.**