



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
SELF-HELP CENTER**

www.occourts.org

**RESPONDING TO ELDER/DEPENDENT ADULT
RESTRAINING ORDER**

All documents must be typed or printed neatly.

Please use black ink.

Self-Help Center Locations:

Lamoreaux Justice Center

1st Floor

341 The City Drive

Orange, CA



Central Justice Center

Room G-100

700 Civic Center Drive

Santa Ana, CA



Superior Court Service
Center

27573 Puerta Real

Mission Viejo, California,
92691

Harbor Justice Center

Room 150

4601 Jamboree Rd

Newport Beach, CA

North Justice Center

Room 360

1275 N. Berkeley Ave.

Fullerton, CA

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. 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.)

Judicial Council of California, www.courts.ca.gov
 New January 1, 2012, Mandatory Form
 Welfare and Institutions Code, § 15657.03
 Approved by DOJ **Notice of Court Hearing**
 (Elder or Dependent Adult Abuse Prevention) EA-109, Page 1 of 3



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 don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If an interpreter is not available for your court date, bring someone to interpret for you. You should ask someone age 18 or older to interpret for you.

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 am deaf or hard of hearing?

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

Response to Request for Elder or Dependent Adult Abuse Restraining Orders

Clerk stamps date here when form is filed.

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

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

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 e-mail.*):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail 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.
- c. I agree to the following orders (*specify*): _____

④ Stay-Away Orders

- a. I agree to the orders requested.
- b. I do not agree to the orders requested.
- c. I agree to the following orders (*specify*): _____



- 5** **Move Out Orders**
- a. I agree to the orders requested.
 - b. I do not agree to the orders requested.
 - c. I agree to the following orders (*specify*): _____

- 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** **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 or firearms.
 - b. 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.

- 8** **Other Orders**
- a. I agree to the orders requested.
 - b. I do not agree to the orders requested.
 - c. I agree to the following orders (*specify*): _____

- 9** **Denial**
- I did not do anything described in item **7** of Form EA-100. (*Skip to **11**.*)

- 10** **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 10–Justification or Excuse" as a title. You may use Form MC-025, Attachment.*
- _____

11 **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 or Form MC-025 and write "Attachment 11—Lawyer's Fees and Costs" for a title.

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.

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

Date: _____

Lawyer's name (if any)

 _____
Lawyer's signature

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

Date: _____

Type or print your name

 _____
Sign your name

SHORT TITLE: 	CASE NUMBER:
----------------------	----------------------

ATTACHMENT (Number): _____

(This Attachment may be used with any Judicial Council form.)

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page _____ of _____

(Add pages as required)

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult Seeking Protection

Name: _____

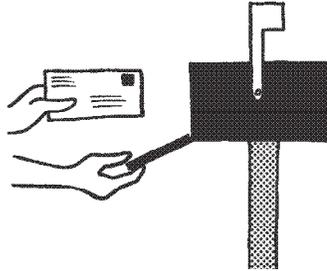
2 Person From Whom Protection Is Sought

Your Name: _____

3 Notice to Server

The server must:

- Be 18 years of age or older.
- Be a resident of or employed in the county where the mailing took place.
- Not be listed in items ①, ③, or ⑥ of Form EA-100.
- 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 Orange
 700 Civic Center Drive West
 Santa Ana, CA 92701
 Central Justice Center

Fill in case number:

Case Number: _____

PROOF OF SERVICE BY MAIL

4 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. Other (*specify*): _____

5 I placed copies of the documents checked 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: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

Type or print server's name

Server to sign here

1 What is a firearm?

A firearm is a:

- Handgun
- Rifle
- Shotgun
- Assault weapon

**2 If you own or have a firearm you must:**

- Turn it in to local law enforcement
- Sell it to a licensed firearms dealer, or
- Store it with a licensed firearms dealer

3 How do I sell or store my firearm?

Find a California licensed firearms dealer in your area.

Look under “Firearms Dealers” in your local Yellow Pages or on the Internet. Make sure the dealer is licensed.

4 How do I take my firearm to law enforcement?

Call your local law enforcement agency to ask about their procedures. Take a copy of the restraining order with you. Go directly to the law enforcement agency. Do not go anywhere else with firearms in your vehicle!

5 If I turn my firearm in to law enforcement, how long will they keep it?

Ask the law enforcement agency.

6 After I give my firearm to law enforcement, can I change my mind?

Yes. You are allowed to make one sale through a licensed gun dealer. To do this, a licensed gun dealer must present a bill of sale to your local law enforcement agency. The law enforcement agency will give the licensed gun dealer the firearm you are selling.

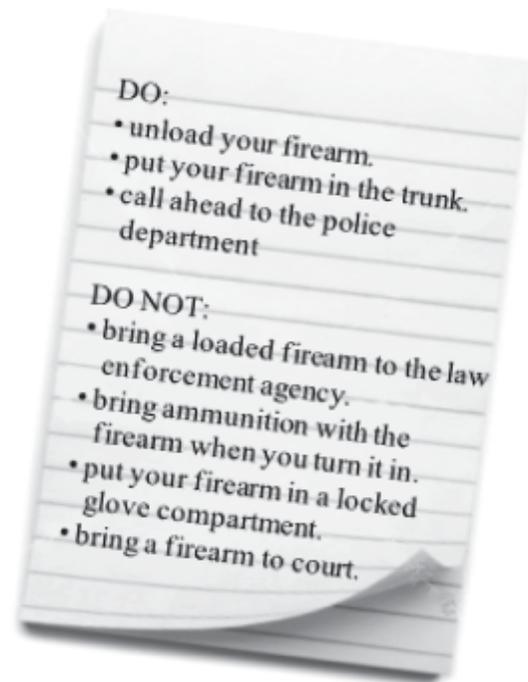
7 Do I have to pay the law enforcement agency to keep my firearm?

You may have to pay the agency for keeping your firearm. Contact your local law enforcement agency and ask if a fee is charged. The agency will tell you how much you need to pay.

8 Questions?

Call your local law enforcement agency:

(Insert local information here.)



Clerk stamps date here when form is filed.

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 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail.):

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

E-Mail Address: _____

3 To the Restrained Person:

If the court has ordered you to turn in, sell, or store your firearms, you may use this form to prove to the court that you have obeyed its orders. When you deliver your unloaded weapons, ask the law enforcement officer or the licensed gun dealer to complete item 4 or 5 and item 6. After the form is signed, file it with the court clerk. Keep a copy for yourself. For help, read Form CH-800-INFO, *How Do I Turn in, Sell, or Store My Firearms?*

4 To Law Enforcement

Fill out items 4 and 6 of this form. Keep a copy and give the original to the person who turned in the firearms.

The firearms listed in 6 were turned in on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name and title of law enforcement agent

Name of law enforcement agency

Address

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

▶ _____
Signature of law enforcement agent

5 To Licensed Gun Dealer

Fill out items 5 and 6 of this form. Keep a copy and give the original to the person who sold you the firearms or stored them with you.

The firearms listed in 6 were

sold to me transferred to me for storage on:

Date: _____ at: _____ a.m. p.m.

To: _____
Name of licensed gun dealer

License number Telephone

Address

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

▶ _____
Signature of gun dealer



6 Firearms

	<u>Make</u>	<u>Model</u>	<u>Serial Number</u>
a.	_____	_____	_____
b.	_____	_____	_____
c.	_____	_____	_____
d.	_____	_____	_____
e.	_____	_____	_____

Check here if you turned in, sold, or stored more firearms. Attach a sheet of paper and write "EA-800, Item 6—Firearms Turned In, Sold, or Stored" for a title. Include make, model, and serial number of each firearm. You may use Form MC-025, Attachment.

7 Do you have, own, possess, or control any other firearms besides the firearms listed in **6**? Yes No
If you answered yes, have you turned in, sold, or stored those other firearms? Yes No

If yes, check one of the boxes below:

- a. I filed a *Proof of Firearms Turned In, Sold, or Stored* for those firearms with the court on (date):
- b. I am filing the proof for those firearms along with this proof.
- c. I have not yet filed the proof for the other firearms. (*Explain why not*):

Check here if there is not enough space below for your answer. Put your complete answer on the attached sheet of paper or Form MC-025 and write "Attachment 7c" for a title.

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

Date:

Type or print your name

 _____
Sign your name