

REQUEST FOR ELDER OR DEPENDENT ADULT RESTRAINING ORDER ALLOWING CONTACT

SELF-HELP FORM PACKET

Attention



New Probate Court and In-Person Location:

Costa Mesa Justice Complex
3390 Harbor Boulevard
Costa Mesa, CA 92626



SHC-DV-11 (Rev. 06/25/2024)

Self-Help Services can review your completed forms before you file them with the Court. To request review of your completed forms:

1. Complete the attached forms in black ink.
2. Scan your completed forms and save as a single PDF file.
3. Go to www.occourts.org/self-help (click the teal button labeled *Contact Self-Help*), attach the PDF, and complete the online request form. Make sure to select PROBATE as the case type on the form.

REQUEST FOR ORDER ALLOWING CONTACT

COMMON WORDS

Attorney-in-Fact: An adult given written legal authority to act on behalf of another person.

Conservator: An adult who requested Court permission to act on behalf of another adult and was approved.

Dependent Adult: An adult between the ages of 18-64 who has mental or physical limitations affecting daily life.

Elder: An adult that is 65 years of age or older.

Elder or Dependent Adult Restraining Order: A court order that protects an Elder or Dependent Adult from someone who is abusive. Abuse can be emotional, physical, or financial.

Elder or Dependent Adult Restraining Order Allowing Contact: A court order that stops a person preventing an Elder or Dependent Adult from having contact with someone they want to have contact with.

Guardian Ad Litem: An adult appointed by a Court to represent the interests of a person involved in a case, only within that case.

Power of Attorney: A written legal document granting one person the authority to act on behalf of another person.

Trustee: A person who manages assets held in trust.

OVERVIEW

An **Elder** or **Dependent Adult** has the right to have contact with anyone they wish. However, sometimes another person may prevent them from doing so. A person that repeatedly prevents contact between an **Elder** or **Dependent Adult** and another person the **Elder** or **Dependent Adult** wants to have contact with, can be ordered by the Court to stop preventing the contact. This type of order is called an **Elder or Dependent Adult Restraining Order Allowing Contact**.

Please note that if an **Elder** or **Dependent Adult** or another person legally entitled to request a restraining order on behalf of the **Elder** or **Dependent Adult**, wants a Court order to stop abuse, such as physical or financial abuse, they must request an **Elder or Dependent Adult Restraining Order**. If you want that type of order, please reach out to Self-Help before completing this packet.

Requirements for a Restraining Order Allowing Contact

The Court will grant a Restraining Order Allowing Contact if:

- The **Elder** or **Dependent Adult** had a previous relationship with the person being prevented from having contact; and
- The **Elder** or **Dependent Adult** wants to have contact with the person; and
- Someone is repeatedly preventing the **Elder** or **Dependent Adult** from having contact with that person; and
- The person preventing contact is not doing so in response to actual or threatened abuse by the person being prevented.

Who Can Request a Restraining Order Allowing Contact?

- 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 a **Power of Attorney**;
- A person appointed as **Guardian Ad Litem** for the **Elder** or **Dependent Adult**;
- The person being prevented from having contact with the **Elder** or **Dependent Adult**; or
- Any other person legally authorized to request it.

PROCEDURE

[Forms in **BOLD** are attached. If you are viewing this packet on an internet enabled device, you can click on them to open electronic fillable versions.]

Complete Your Forms

- **EA-300: Request for Elder or Dependent Adult Restraining Order Allowing Contact**
- **EA-309: Notice of Court Hearing to Allow Contact**
 - On Pg. 1, Item 5, under the “Name and address of court if different from above” please write: See Attachment 5
 - Attach Remote Hearing Attachment
- **EA-330: Elder or Dependent Adult Restraining Order Allowing Contact After Hearing**

Document Review

Self-Help Services offers a free optional document review service for self-represented litigants. As part of this service, an attorney or paralegal will review your documents for completion before filing. **Our staff cannot provide you with legal advice or strategy during this review.** To have your documents reviewed, you may choose:

- Electronic Submission
 - Visit: <https://www.occourts.org/self-help/self-help-services>
 - Scroll down to the teal “Contact Self-Help Services” button and click.
 - Complete the request for assistance form and submit.
- In Person
 - Central Justice Center
Self-Help Services, 1st Floor, Room G-100
700 Civic Center Drive West, Santa Ana, CA 92701
Monday – Friday, 8:00 a.m. – 4:00 p.m.
 - Costa Mesa Justice Complex
3390 Harbor Boulevard, Costa Mesa, CA 92626
Every Monday, 8:00 a.m. – 4:00 p.m.

Filing Fee

There is no fee for filing a **Request for Elder or Dependent Adult Restraining Order Allowing Contact**.

PROCEDURE ROADMAP



Forms



Review



File



Service



Complete Proof of Service
Forms



Hearing

File Your Forms

You may file your forms in the superior court in the county where the prevention of contact took place **or** where the person preventing contact lives. In Orange County, you may file by choosing one of the following options:

- In Person:
 - Costa Mesa Justice Complex, 3390 Harbor Boulevard, Costa Mesa, CA 92626
- DropBox:
 - Costa Mesa Justice Complex, 3390 Harbor Boulevard, Costa Mesa, CA 92626
- Mail:
 - Costa Mesa Justice Complex, ATTN: Probate Filing Clerk, 3390 Harbor Boulevard, Costa Mesa, CA 92626
- E-Filing:
 - For additional information visit the court's website:
 - <https://www.occourts.org/online-services/efiling/efiling-probate.html>

Have Your Forms Served

Service is the act of giving certain forms to the person to be restrained. This is required to inform them of the request and give them an opportunity to respond. The following must be served:

- Copy of **filed** EA-300: Request for Elder or Dependent Adult Restraining Order Allowing Contact
- Copy of **filed** EA-309: Notice of Court Hearing to Allow Contact
- Blank **EA-320: Response to Request for Elder or Dependent Adult Restraining Order Allowing Contact**
- Blank **EA-320-INFO: How Can I Respond to a Request for an Elder or Dependent Adult Restraining Order Allowing Contact?**
- Blank **EA-250: Proof of Service of Response by Mail**

How Must Service be Completed?

- Personal Service is required.
- Personal Service is provided when someone hands the required legal papers directly to the person to be restrained.

PROCEDURE ROADMAP



Forms



Review



File



Service



Complete Proof of Service
Forms



Hearing

- Service may be completed by:
 - A person 18 years of age or older **who is not involved in the case**, or
 - Sheriff's Department, or
 - Registered Process Server
- The person requesting the restraining order allowing contact **cannot** provide service.
- If the person served will not accept service, documents can be left near their person, including on the floor. Service is still considered complete.
- If the person served tears them up, service is still complete.

Service Fee

If service is completed by a person 18 years of age or older who is not involved in the case, that person may charge for their assistance. Usually, however, people ask a friend or family member to complete service and they do not charge a fee. The Sheriff's Department does not charge a fee. If you arrange for service by a Registered Process Server, they likely will charge a fee for their assistance.

When Must Service be Given?

- Service must be given as stated by the Court when they return EA-309: Notice of Court Hearing to Allow Contact, Page 2, Item 6.
 - If nothing is checked or written, service must be completed at least five (5) calendar days before the hearing date.
- If service cannot be completed within the time required, the hearing date must be rescheduled to allow more time.
- Rescheduling of the hearing date may be requested by completing and filing:
 - **EA-315: Request to Continue Court Hearing on Request to Allow Contact**
 - **EA-316: Order on Request to Continue Hearing on Request to Allow Contact**
- Once a Judge reviews the request and decides, they complete EA-316, Items 5 – 9.
- If no decision has been made by the scheduled hearing date, attend as scheduled and verbally request rescheduling and explain the need for doing so.

PROCEDURE ROADMAP



Forms



Review



File



Service



Complete Proof of Service
Forms



Hearing

How do I Prove Service was Given?

- The person that provided service on your behalf must complete **EA-200: Proof of Personal Service**.
 - The Sheriff Department has their own Proof of Personal Service Form and will not complete EA-200.
- The person to be restrained does not need to sign anything.
- File the completed **EA-200: Proof of Personal Service**.

HEARING DATE

Arrive on Time

- Arrive at your hearing with enough time to locate the Court, park your vehicle, go through security, and find your courtroom. If the case is called and parties are not present, the Judge will dismiss the request.

Be Prepared

- Your hearing is your opportunity to provide the Court with evidence that proves:
 - A previous relationship between the **Elder** or **Dependent Adult** and the person being prevented from having contact; and
 - The **Elder** or **Dependent Adult** wants to have contact with the person being prevented; and
 - The person preventing contact with the **Elder** or **Dependent Adult** has done so repeatedly; and
 - The person preventing contact is not doing so in response to actual or threatened abuse by the person prevented from having contact with the **Elder** or **Dependent Adult**.
- Examples of what you may bring:
 - Witnesses or written statements from witnesses made under oath
 - Pictures
 - Letters, E-mails or Text Messages

Decision

- The Judge will determine whether to grant the Order and for how long. Their decision will be outlined on **EA-330: Elder or Dependent Adult Restraining Order Allowing Contact After Hearing**.

PROCEDURE ROADMAP



Forms



Review



File



Service



Complete Proof of Service
Forms



Hearing

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 a person 65 years or older (an elder) or a 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:

- 1 An elder or dependent adult has a preexisting relationship and wants to have contact with a specific person;
- 1 Someone is repeatedly preventing the elder or dependent adult from having contact with that specific person; and
- 1 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:

- 1 A conservator or trustee of the elder or dependent adult;

- 1 An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney;
- 1 A person appointed as a guardian ad litem for the elder or dependent adult;
- 1 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
- 1 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/forms. You also may be able to find them at your local courthouse or county law library.

What do I need to do to get the order?

You must go to the superior court in the county where the 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, Notice of Court Hearing to Allow Contact](#).

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:

- 1 Witnesses
- 1 Written statements from witnesses made under oath
- 1 Letters, emails

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, Declaration](#), 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 <https://selfhelp.courts.ca.gov/request-interpreter>.

What if I have a disability?

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

For help in your area, contact:

[Local information may be inserted.]

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

- Read *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?* (form EA-300-INFO) before completing this form.
- **Note:** This 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.
- If you want a restraining order for other abuse, such as physical or financial abuse, use *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100). Read *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-100-INFO) for more information.

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 Elders or Dependent Adults**

(List each elder or dependent adult in the same household who wants to have contact with the person named in ③ and their age below.)

Full NameAge

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- Check here if there are more elders or dependent adults in the same household who also want to have contact with the person named in ③. List those persons and their ages on an attached sheet of paper and write "Attachment 1—Additional Elders or Dependent Adults" for a title. You may use form MC-025, Attachment.

2 Person Alleged to Be Preventing Contact

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

a. Full Name: _____

b. Describe this person's preexisting relationship to the elders or dependent adults named in ①:

- 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 3—Preexisting Relationship" for a title.

This is not a Court Order.

4 Person Requesting Order

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

- a. The elders or dependent adults named in ①.
- b. The person named in ③ who wants contact with the elders or dependent adults.
- c. Name: _____, conservator of the person estate person and estate named in ①, appointed by (name of court): _____
Case No.: _____
- d. Other person legally authorized to make this request (name): _____

(Show this person’s legal authority to make this request on an attached sheet of paper. Write “Attachment 4d—Information About Person Requesting Order” for a title. You may use form MC-025, Attachment.)

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 Elders or Dependent Adults

The person or persons named in ① are residents of California and (check a, b, or c):

- a. Are all age 65 or older.
- b. Are all under age 65 and 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 Elders or Dependent Adults” for a title.)
- c. Include some 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 Elders or Dependent Adults” for a title.)

This is not a Court Order.



7 Relationship to Person Alleged to be Preventing Contact

How do the elders 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 Respondent" for a title.

8 Facts Supporting Order Allowing Contact

The person requesting the order must show that:

- The elders or dependent adults expressly desire contact with the person named in (3);
- The person in (2) has repeatedly prevented that contact;
- The prevention of contact was not in response to an actual or threatened abuse of the elders or dependent adults by the person named in (3); and
- The prevention of contact was not in response to the desire of the elders or dependent adults to not have contact with the person named in (3).

a. Describe the desire of the elders or dependent adults to have contact with the person named in (3) and attach any documentation demonstrating such desire:

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 (3) from seeing the elders or dependent adults? (Provide dates or estimated dates):

(2) Describe how the person in (2) has prevented the person named in (3) from seeing the elders or dependent adults.

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—Describe Prevention" for a title.

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 ③ from seeing the elders or dependent adults in this county.
- c. Other (specify): _____

10 Other Court Cases

a. Has the person in ② or the person in ③ been involved in another court case with the elders 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 any protective or restraining orders now in effect relating to the elders or dependent adults and the person in ② or the person in ③? 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 ③ to contact the elders or dependent adults, with the following terms:

- a. The person in ② may not prevent the person named in ③ from in-person or remote online or telephonic visits with the elders or dependent adults named in ①.
- 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

Date: _____

Type or print your name

Signature of person making this request

This is not a Court Order.



Clerk stamps date here when form is filed.

1 Elders or Dependent Adults

Full Name: _____

Full Name: _____

Full Name: _____

2 Person Alleged to Be Preventing Contact

Full Name: _____

3 Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

4 Person Requesting Order

a. Full Name: _____

Lawyer for person requesting order:

Name: _____

Firm Name: _____

b. Address for the person requesting order (*If you have a lawyer, give your lawyer's information. If you want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.*)

Address: _____

City: _____ State: ____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

The court will complete the rest of this form.

5 Notice of Hearing

A court hearing is scheduled on the request for restraining order allowing contact against the person in (2):

| | | | |
|---------------------|--------------|-------------|---|
| Hearing Date | Date: _____ | Time: _____ | Name and address of court if different from above: _____ _____ _____ |
| | Dept.: _____ | Room: _____ | |
| | _____ | | |

To the person in (2):

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



6 Service of Documents by the Person in 4

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 Adult 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?*

Date: _____

*Judicial Officer***To the Person in 4 :**

- 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”?*
- You may ask to reschedule the hearing if you are unable to find the person in 2 and need more time to serve the documents, or for other good reasons. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.
- You must attend the hearing if you want the judge to make any of the orders you requested on form EA-300, *Request for Elder or Dependent Adult Restraining Order Allowing Contact*. Bring any evidence or witnesses you have. For more information, read form EA-300-INFO, *Can an Elder or Dependent Adult Restraining Order Allowing Contact Help Me?*

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 ④.
- 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.
- If you are unable to attend your court hearing or need more time to prepare your case, you may ask to reschedule your court date. Read form EA-315-INFO, *How to Ask for a New Date for a Hearing to Allow Contact*.



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 _____ 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



| | |
|-----------------------|--------------|
| SHORT TITLE: <hr/> | 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.

Person in ④ must complete ①, ②, ③, and ④ only.

① Elders or Dependent Adults

Full Names: _____

② Person Preventing Contact

Full Name: _____

③ Person Who Wants Contact With the Elders or Dependent Adults

Full Name: _____

④ Person Requesting Order

a. Full Name: _____

Lawyer for person requesting order (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: _____

⑤ 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.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

This is a Court Order.



6 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 elders or dependent adults to receive contact
 - (2) The lawyer for the elders or dependent adults *(name)*: _____
 - (3) The person in ④ requesting the order *(name)*: _____
 - (4) The lawyer for the person in ④ requesting the order *(name)*: _____
 - (5) The person in ② *(name)*: _____
 - (6) The lawyer for the person in ② *(name)*: _____
 Additional persons present are listed at the end of this Order on Attachment 6.
- 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.

7 Order Allowing Contact

- a. You may not prevent the person in ③ from in-person or remote online or telephonic visits with the elders or dependent adults in ①.
- b. Other terms of order allowing contact *(specify)*:

8 Other Orders *(specify)*:

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



9 **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 9.

To the Person in 4 :

10 **Service of Order**

- a. The person in 2 personally attended the hearing, either physically or remotely (by telephone or videoconference). No other proof of service is needed.
- b. The person in 2 was not at the hearing. Someone—but not anyone in 1 or 4—must personally serve a copy of this Order on the person in 2.

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

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

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

Date: _____

Judicial Officer

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, and the restrained person was not present at the court hearing (see 10) 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 5 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 at the restraining order hearing (see ⑩) or 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 protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

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

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

Clerk stamps date here when form is filed.

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 Elders or Dependent Adults

Names: _____

② Person Alleged to Be 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 ⑤, 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 Person Who Wants Contact With the Elders or Dependent Adults

Name: _____

④ Person Requesting Order

Name: _____

⑤ Order Allowing Contact

- a. I agree to the order requested.
- b. I do not agree to the order requested. (*Specify why you disagree in items ⑦ and ⑧ on page 2.*)

⑥ Denial

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



9 **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 9—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 **4** that I pay their lawyer's fees and costs.

10 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 as 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* (form EA-309) 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, Attachment](#). You can get forms from legal publishers or on the internet at www.courts.ca.gov/forms. You also may be able to find them at your local courthouse or county law library.

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, Declaration](#), 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 selfhelp.courts.ca.gov/request-interpreter.

What if I have a disability?

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

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult Seeking Protection

Full Name: _____

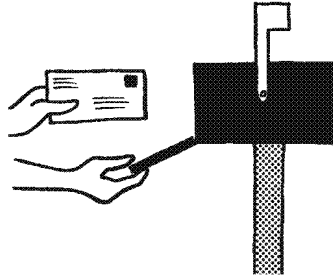
2 Person From Whom Protection Is Sought

Your Full Name: _____

3 Notice to Server

The server must:

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



Fill in court name and street address:
Superior Court of California, County of

Court fills in case number when form is filed.
Case Number:

4 PROOF OF SERVICE BY MAIL

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

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

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

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

6 Server's Information

Name: _____ Telephone: _____
Address: _____
City: _____ State: _____ Zip: _____

(If you are a registered process server):

County of registration: _____ Registration number: _____

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

Date: _____

▶ _____
Server to sign here

Type or print server's name

1 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) to ask the court to reschedule your court date.

3 Follow these steps:

- Fill out all of form .
- Fill out items ①, ②, ③, and ④ on *Order on Request to Continue Hearing on Request to Allow Contact* (form).
- 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 5b 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 ⑦ 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). If service was by mail, use *Proof of Service—Civil* (form). 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.

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

Clerk stamps date here when form is filed.

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.

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:**1 Party Information**

a. My name is: _____

b. I am the (*check one of the boxes below*):(1) Elder or Dependent Adult (*skip to 2*).(2) Person asking for the order to allow contact*(name of elders or dependent adults):* __________
(skip to 2).(3) Person alleged to be 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 Casea. The other party in this case is (*full name*): _____b. I have a court date currently scheduled for (*date*): _____**This is not a Court Order.**

3 Why Does the Court Date Need to Be Rescheduled?

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



Clerk stamps date here when form is filed.

Complete items ①, ②, ③, and ④ only.

① **Elders or Dependent Adults:** _____

② **Party Alleged to Be Preventing Contact:**

③ **Person Who Wants Contact With the Elders or
Dependent Adults**

④ **Person Requesting Order**

Fill in court name and street address:

Superior Court of California, County of

Fill in case number:

Case Number:

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

⑤ **Next Court Date**

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

Your court date is: _____

Your court date is not rescheduled because: _____

b. The request to reschedule the court date is **granted**. Your court date is rescheduled for the day and time listed below. See ⑥–⑨ for more information.

Name and address of court, if different from above:

**New
Court
Date**

Date: _____ Time: _____

Dept.: _____ Room: _____

⑥ **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 alleged to be 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.



7 Serving (Giving) Order to Other Party

The request to reschedule was made by the:

a. **Party Requesting Order**

b. **Party Alleged to be Preventing Contact**

c. **Court**

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

(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.

(1) Further notice is not required.

(2) You must have the party alleged to be preventing contact personally served with a copy of this order and a copy of all documents listed on form EA-309, item **6**, by (date): _____

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

(2) The court will mail a copy of this order to all parties by (date): _____

(3) You must have the party alleged to be preventing contact served with a copy of this order. This can be done by mail. You must serve 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): _____

(3) Other: _____

(4) Other: _____

(4) Other: _____

This is a Court Order.



8 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.

9 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 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* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by: _____, Deputy

This is a Court Order.



What is “Service”?

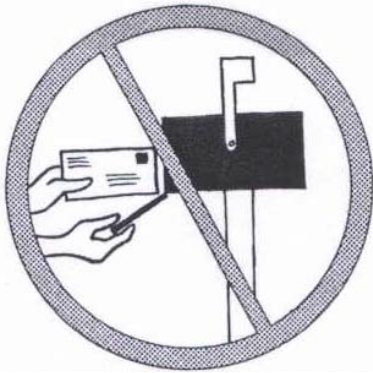
Service is the act of giving your legal papers to the other party. There are many kinds of service—in person, by mail, and others. This form is about personal or “in-person service.” The following types of restraining order forms must be served “in person”: *Request for Elder or Dependent Adult Abuse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

Service lets the other person know:

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

Why do I have to get the orders served?

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



Don't serve it by mail!

Who can serve?

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

- Be 18 years of age or older
- Not be you or anyone whom you are asking to be protected by the orders. The sheriff or marshal may be authorized to serve the court’s orders **for free**. 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 form EA-109 (item ③ on page 1) or form EA-309 (item ⑤ on page 2).

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

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

Who signs the Proof of Personal Service?

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

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

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

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

Clerk stamps date here when form is filed.

1 Elder or Dependent Adult

Name: _____

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

Name: _____

3 Notice to Server

The server must:

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



Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

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

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

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

c. At this address: _____

City: _____ State: _____ Zip: _____

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

