

JUDICIAL COUNCIL OF CALIFORNIA

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INVITATION TO COMMENT SP22-10

Title Protective Orders: Elder Abuse Forms Implementing Assembly Bill 1621	Action Requested Review and submit comments by October 11, 2022
Proposed Rules, Forms, Standards, or Statutes Revise forms EA-100, EA-100-INFO, EA-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, EA-800-INFO	Proposed Effective Date January 1, 2023
Proposed by Civil and Small Claims Advisory Committee Hon. Tamara L. Wood, Chair	Contact James Barolo, 415-865-8928 james.barolo@jud.ca.gov

Executive Summary and Origin

The Civil and Small Claims Advisory Committee is proposing revisions to nine Judicial Council elder or dependent adult restraining order forms. Most of the forms in this proposal were circulated for comment between April and May 2022 to implement the statutory changes in Assembly Bill 1243 and to make other updates. After the comment period closed, the Legislature enacted Assembly Bill 1621, which took effect immediately on June 30, 2022. The new legislation prohibits persons restrained under elder or dependent adult restraining orders from possessing firearm parts (in addition to the already prohibited firearms). This proposal recommends additional revisions to seven previously circulated forms and recommends revisions to two forms that were not previously circulated to reflect the new law.

Background

Assembly Bill 1243

Assembly Bill 1243 (Stats. 2021, ch. 273)¹ made two substantial changes to the laws governing protective orders for elder or dependent adults. First, the law created a new cause of action where an order can be issued allowing contact between an elder or dependent adult and an individual who meets certain statutory requirements. (See Welf. & Inst. Code, § 15657.03(a) & (b).) AB 1243 also authorized courts to make specific findings about debts in elder or dependent adult

¹ Assembly Bill 1243 is available at https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202102220AB1243.

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 It is circulated for comment purposes only.

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.” All statutory amendments in AB 1243 take effect January 1, 2023. The form revisions to implement these changes were already circulated for comment.

Assembly Bill 1621

On June 30, 2022, the Legislature enacted Assembly Bill 1621 (Stats. 2022, ch. 76).² The law was passed as urgency legislation and took effect immediately. In addition to firearms and ammunition, AB 1621 prohibits individuals restrained under most elder or dependent adult protective orders³ from possessing or obtaining firearm parts, including completed frames and receivers and “firearm precursor parts” as defined in Penal Code section 16531(a), which was also modified by AB 1621. (Pen. Code, § 16520(b)(24) & (26).)

Prior Circulation

As noted above, a proposal with revisions to elder or dependent adult abuse protective order forms to implement the new cause of action and the new findings related to specific debts was previously circulated for comment in spring 2022.⁴ The EA-100 series forms in that proposal are being recirculated in light of the further revisions recommended to those forms to implement AB 1621.⁵

The Proposal

This proposal recommends revisions to forms in the EA-100 series and EA-800 series to include language stating that restrained individuals are not permitted to possess or obtain firearm parts (firearm precursor parts, also known as ghost guns). Such revisions are urgently needed to conform to the recent change in the law under AB 1621.⁶

Last year, the Legislature enacted Assembly Bill 1057 (Stats. 2021, ch. 682),⁷ which provided that individuals restrained under gun violence or domestic violence restraining orders are not permitted to possess or obtain firearm parts. This year, AB 1621 further revised the definition of

² Assembly Bill 1621 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621.

³ The prohibition on possessing firearm parts in AB 1621 does not apply to the new cause of action for an elder or dependent adult restraining order allowing contact under AB 1243.

⁴ See *Protectives Orders: Elder Abuse Forms Implementing Assembly Bill 1243* (SPR22-21), <https://www.courts.ca.gov/documents/spr22-21.pdf>.

⁵ The EA-200 and 300 series forms circulated in the original proposal to implement the new cause of action were adopted or approved by the council at its September meeting. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Elder Abuse Forms Implementing New Cause of Action Allowing Contact* (Aug. 12, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11204348&GUID=4894916A-9337-4922-8F52-726F8020AFEA>.)

⁶ The new revisions are highlighted in yellow, earlier revisions that have already circulated (to implement the new findings that a court may make related to specific debts and to update information about interpreters, disability and court accommodations, and the priority of enforcement among protective orders) are highlighted in gray.

⁷ Assembly Bill 1057 is available at

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057.

“firearm precursor part” in Penal Code section 16531(a).⁸ Proposals revising language on those types of restraining orders to add firearm parts were adopted by the Judicial Council at its September 2022 meeting.⁹ For consistency, the recommended revisions in this proposal closely track the revisions to gun violence and domestic violence restraining orders related to firearm parts. The specific revisions are discussed below by form type. (The committee notes that the changes proposed are the same as proposed in the CH, WV, and SV forms in a separate invitation to comment. The committee will consider comments on any one set as applying to all unless the commenter notes otherwise.)

Petition, response, and corresponding information sheets

Both the petition, *Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-100) and *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (form EA-120) contain questions about whether the person to be restrained owns or possesses any firearms. This proposal revises that question on each form to also refer to “firearm parts” and includes a parenthetical plain-language definition for such a term: “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531.”

The information sheets about those forms (*Can a Restraining Order to Prevent Elder or Dependent Adult 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)) include similar additions explaining that the restraining order can prevent the subject of the restraining order from having firearms (guns), firearm parts, and ammunition. The parenthetical definition mentioned above is also included on the information sheets. In addition, the information sheets include two new links. The first is to a dedicated California Courts Self-Help Guide webpage providing additional information about the prohibited items a person restrained under most California restraining orders is not allowed to have. The second offers information about the elder or dependent adult restraining order process and provides step-by-step instructions on obtaining such an order.

Orders

This proposal would also revise the elder or dependent adult *Temporary Restraining Order* (form EA-110) and *Elder or Dependent Adult Abuse Restraining Order After Hearing* (form EA-130) to include a new item listing the prohibited items, including firearm parts. Other items in each form refer to the new item defining prohibited items rather than listing each prohibited item.¹⁰

⁸ The previous definition of “firearm precursor part” described the precursor parts as different types of unfinished receivers and frames, including a “receiver channel” and a “receiver side plate.” The new definition in AB 1621 replaced specific types of unfinished receivers with a broader reference to an “article” that may be “readily” “converted to be used as the frame or receiver.”

⁹ The committee believes that the same wording it proposed be used in the forms to implement AB 1057 is appropriate to implement AB 1621, and that language is what was approved by the council. (See Judicial Council of Cal., Advisory Com. Rep., *Protective Orders: Gun Violence Forms Implementing Statutory Amendments Permitting Remote Appearances and Modifying the Definition of Firearms* (Aug. 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=11205465&GUID=ACE8A41E-6217-4FC9-9B8A-E3ED80D7145F>.)

¹⁰ In response to a comment received on the original proposal, the order forms also contain revisions to the item describing the restrained person to note which fields are required for the order to be entered into the California Law

Notice of court hearing

The elder or dependent adult abuse *Notice of Court Hearing* (form EA-109) contains a warning to the restraining order respondents that, if the court issues a restraining order, they will be required to turn in their firearms. This proposal revises that warning to include firearm parts, with the parenthetical definition also included on the petition and the response.

Forms regarding relinquishment of prohibited items

Because most of the civil protective orders require the restrained person to relinquish their firearms and related items and to file a proof with the court verifying that they have done so, the council has adopted forms to facilitate this process. Following circulation for comment and user testing for such forms in the gun violence and domestic violence form series, the committee recommended new titles and significant reformatting. This proposal includes similar revisions to form EA-800, proposed to be retitled as *Receipt for Firearms, Firearm Parts, and Ammunition*,¹¹ and form EA-800-INFO, proposed to be retitled as *How Do I Turn In, Sell, or Store My Firearms, Firearm Parts, and Ammunition?*

Such parallel revisions also include adding a check box to form EA-800 to be used by law enforcement and gun dealers to indicate that a separate form listing the items is attached. Check boxes noting whether each listed item has been “Sold,” “Stored,” or is “To be destroyed” have also been added to form EA-800. In addition, form EA-800-INFO now contains an explanation that firearms and other prohibited items may not be given to a friend or family member and clarifies that both law enforcement and a licensed gun dealer may charge a fee to store firearms.

Effective date

Given that AB 1621 has already taken effect, the forms in this proposal are proceeding on a special cycle with an abbreviated comment period to be presented to the council for approval or adoption in December 2022, even though this will provide less than usual time for the forms to be put into use. The committee recommends that the revisions take effect January 1, 2023, in order for the new law to be reflected on the forms as soon as possible. This will also allow the elder abuse forms to timely reflect the new findings related to specific debts, which courts may issue starting January 1, 2023. Additionally, similar revisions to gun violence and domestic violence restraining order forms to include “firearm parts” on the forms will also become effective January 1, 2023, and having all the restraining orders change at the same time should make training simpler.

Alternatives Considered

Because AB 1621 prohibits individuals restrained under elder or dependent adult abuse protective orders from having firearm parts, which is not provided for on the council’s current

Enforcement Telecommunications System. Additionally, the priority of enforcement language on the last pages of the orders has also been modified in response to comments received on the original proposal.

¹¹ Form EA-800 is listed on the *Proof of Personal Service* (form EA-200) as one of the forms that may have been served. Should this proposal ultimately be approved, the title of the form will be revised on form EA-200 as well.

mandatory elder abuse forms, the committee determined that taking no action would be inappropriate.

The advisory committee considered an alternative plain-language definition of firearm parts, one which would more closely align with the language added to Penal Code section 16531(a) in AB 1621: “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531).” However, because the council favors consistency among protective order forms and because a slightly different definition is used on the gun violence and domestic violence restraining order forms recently approved by the council,¹² the forms proposed here include the language identical to that in the domestic violence and gun violence restraining orders.

The committee also considered recommending a later effective date for the revised forms in this proposal, but concluded that an effective date of January 1, 2023, is appropriate because that is the date that the provisions of AB 1243 take effect and the date that revisions to other protective order forms with similar information will take effect. (The committee notes that AB 1621 regarding firearms is already in effect.)

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 changes in 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 revised forms are intended to assist courts in dealing with the impact of the legislation by making it easier for clerks, judicial officers, and litigants to understand the items that restrained individuals are prohibited from having.

¹² Those forms were recently approved by the council with the language proposed here, “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531,” as a parenthetical definition of firearm parts,

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?
- Which parenthetical plain-language definition for firearm parts is preferable:
 - “any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531”
 - “any item that may be used as or easily turned into a firearm frame or receiver (see Pen. Code, § 16531)”
 - Some other language?

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 one month 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-109, EA-110, EA-120, EA-120-INFO, EA-130, EA-800, and EA-800-INFO, at pages 7–44
2. Link A: Assembly Bill 1243,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1243
3. Link B: Assembly Bill 1621,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1621
4. Link C: Assembly Bill 1057,
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1057

Clerk stamps date here when form is filed.

DRAFT**8/17/2022****Not approved by
the Judicial Council**

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

1 Elder or Dependent Adult in Need of Protection

Full Name: _____

Gender: M F Nonbinary Age: _____**2 Person From Whom Protection Is Sought**

Full Name: _____

Address (if known): _____

City: _____ State: _____ Zip: _____

3 Person Requesting Order

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

a. The elder or dependent adult named in ①.b. Name: _____
conservator of the person estate person and estate
of the person named in ①, appointed by (name of court): _____

Case No.: _____

c. Other (name) _____

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

4 Contact Information

Contact information for the person asking the court for protection

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

Name: _____ State Bar No.: _____

Firm Name: _____

b. Your Address (If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. The person in ① does not have to give telephone, fax, or email.)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

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 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):

<u>Full Name</u>	<u>Gender</u>	<u>Age</u>	<u>Relation to person in ①?</u>	<u>Lives with person in ①?</u>
_____	_____	_____	_____	<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 the person, did not allow the person to have or receive, or did not provide the person with) goods or services that the person needed to avoid physical harm or mental suffering? Yes No
(If yes, describe below what the person was deprived of and how that affected the person):
Check here if there is not enough space for your answer. Put your complete answer on the attached sheet of paper or form MC-025 and write "Attachment 8c—Deprivation by Care Custodian" for a title.

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.

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):

Table with 4 columns: Kind of Case, Filed in (County/State), Year Filed, Case Number (if known). Rows include Elder or Dependent Adult Abuse, Civil Harassment, Domestic Violence, Divorce, Nullity, Legal Separation, Paternity, Parentage, Child Custody, Eviction, Guardianship, Workplace Violence, Small Claims, Criminal, and Other (specify).

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

This is not a Court Order.



Check the orders you want.

11 Personal Conduct Orders

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

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

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

12 Stay-Away Orders

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

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

b. If the court orders the person in **2** to stay away from all the places listed above, will 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.

This is not a Court Order.



13 **Move-Out Order**

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

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

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

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

Does the person in **2** own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) or ammunition? 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 firearms (guns), firearm parts, and ammunition while the protective order is in effect. The person in **2** will also be ordered to turn in to law enforcement, or sell to or store with a gun dealer, any firearms (guns), firearm parts, and ammunition within their 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 any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver/frame as defined in Penal Code section 16531), or ammunition

For more information about the items a restrained person cannot have, please see <https://selfhelp.courts.ca.gov/restraining-orders/prohibited-items>.

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

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

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

- A conservator or trustee of the elder or dependent adult
- An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney

Persons who may apply (continued)

- A person appointed as a guardian ad litem for the elder or dependent adult
- Any other person legally authorized to seek such relief.

How much does it cost?

There is no fee for filing a request for a restraining order.

You do not need to pay a fee for service of the order. A sheriff or marshal will serve the order for free. Or you may arrange for service by a registered process server or a private party and pay any fee that is charged.

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

What forms do I need to get the order?

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

Where can I get these forms?

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

What do I need to do to get the order?

You must go to the superior court in the county where the abuse took place or the person to be restrained lives. At the court, ask where you should file your request for a restraining order. (A self-help center or legal aid association may be able to assist you in filing your request.)

At the court, give your forms to the clerk of the court. The clerk will give you a hearing date on the *Notice of Court Hearing* form, and if your request for immediate orders is granted, a copy of the *Temporary Restraining Order* signed by a judicial officer.



How soon can I get the order?

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

How long does the order last?

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

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

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

What if the restrained person does not obey the order?

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

Do I have to go to court?

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

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

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

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

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

Do I need a lawyer?

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

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

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](#).

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.

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/EA-restraining-order>.

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.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

2 Person You Want Protection From

Full Name: _____

The court will complete the rest of this form.

3 Notice of Hearing

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

Name and address of court if different from above:

Hearing Date

→ Date: _____ Time: _____

Dept.: _____ Room: _____

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.)



4 Temporary Restraining Orders (Continued)

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

(1) The facts as stated in form EA-100 do not sufficiently show reasonable proof of a past act or acts of abuse of the elder or dependent adult by the person in **(2)**.

(2) Other (*specify*): As set forth on Attachment 4b.

5 Service of Documents by the Person in **(1)**

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

- a. EA-100, *Request for Elder or Dependent Adult Abuse Restraining Orders* (file-stamped)
- b. EA-110, *Temporary Restraining Order* (file-stamped) **IF GRANTED**
- c. EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders* (blank form)
- d. EA-250, *Proof of Service of Response by Mail* (blank form)
- e. EA-120-INFO, *How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?*
- f. Other (*specify*): _____

Date: _____



Judicial Officer

To the Person in **(1) :**

- The court cannot make the restraining orders after the court hearing unless the person in **(2)** has been personally given (served) a copy of your request and any temporary orders. To show that the person in **(2)** has been served, the person who served the forms must fill out a proof of service form. Form EA-200, *Proof of Personal Service*, may be used.
- For information about service, read form EA-200-INFO, *What Is “Proof of Personal Service”?*
- 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-115, *Request to Continue Court Hearing and to Reissue Temporary Restraining Order*.



To the Person in ② :

- If you want to respond to the request for orders in writing, file form EA-120, *Response to Request for Elder or Dependent Adult Abuse Restraining Orders*, and have someone age 18 or older—**not you or anyone to be protected**—mail it to the person in ① .
- The person who mailed the form must fill out a proof of service form. Form EA-250, *Proof of Service of Response by Mail*, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the orders requested.
- You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years and may order you to sell or turn in any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531) that you own or possess.**

**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 for **Disability Accommodation Request** (form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

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

Clerk's Certificate

[seal]

Date: _____

Clerk, by _____, Deputy

Clerk stamps date here when form is filed.

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

DRAFT
08/17/2022
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

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

*Full Name: *Age: Date of Birth:
*Race: Height: Weight: Hair Color: Eye Color:
*Gender: M F Nonbinary Home Address:
City: State: Zip:
Relationship to Protected Person:

3 Additional Protected Persons

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

Table with columns: Full Name, Gender, Age, Household Member?, Relation to Protected Person. Includes Yes/No checkboxes.

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).

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
- (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 person in ①
- (6) Other (*specify*):

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 Firearms (Guns), Firearm Parts, or Ammunition

Not Issued (financial abuse only) **Granted as Follows:**

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

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

b. **Prohibited items are:**

(1) **Firearms (guns);**

(2) **Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531); and**

(3) **Ammunition.**

c. You must:

(1) Sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.)

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

9 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.)

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.

This is a Court Order.



11 Other Orders

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

Horizontal lines for specifying granted orders.

- Additional orders are attached at the end of this Order on Attachment 11.

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)

Horizontal lines for listing law enforcement agencies.

- 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

You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

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 any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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. If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make restraining orders against you that last for up to five years. Tell the judge why you disagree with the orders requested.

Instructions for Law Enforcement

Enforcing the Restraining Order

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

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 for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 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 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

8/17/2022

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

If you were served with form EA-110, *Temporary Restraining Order*, you cannot own or possess any firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), 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 of those items in your immediate possession or control within 24 hours of being served with form EA-110. You must file a receipt with the court. You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.

- a. I do not own or control any firearms (guns), firearm parts, or ammunition.
- b. I 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 firearms (guns), firearm parts, and ammunition 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):*

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):*

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):*

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.



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 firearms (guns), firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531), or ammunition as long as the order is in effect

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

Who can ask for a restraining order?

A person who is being:

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

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

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

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

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

What if I don't obey the order?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form [EA-120, Response to Request for Elder or Dependent Adult Abuse Restraining Orders](#), before your hearing date and file it with the court. If you need to include attachments, you can use form [MC-025](#). You can get the forms from legal publishers or from the California Courts website at 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 person with a
copy of my response?**

Yes. Have someone age 18 or older—**not you**—mail a copy of completed form EA-120 to the person who asked for the order (or that person's lawyer). (This is called "service by mail.")

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

Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Do I need a lawyer?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You can also use form [INT-300, Request for Interpreter \(Civil\)](#), or a local court form or website to request an interpreter. For more information about court interpreters, go to www.courts.ca.gov/selfhelp-interpreter.htm.



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.

How long does the order last?

If the court issued a temporary restraining order before the hearing, it will last until your hearing date. At that time, the court will decide to continue or cancel the order. Any order issued at the hearing can last for up to five years.

What if I have a gun?

If a restraining order is issued, unless the order is to prevent financial abuse only, you cannot own, possess, or have a firearm (gun), firearm parts, or ammunition while the order is in effect. If you have one of those items 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 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](#).

Information about the process is also available online.

See <https://selfhelp.courts.ca.gov/EA-restraining-order>.

For help in your area, contact:

[Local information may be inserted.]

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-109)
 Full Name: _____
 Lawyer for person named above (if any for this case):
 Name: _____ State Bar No.: _____
 b. Firm Name: _____
Fill in court name and street address:
 Superior Court of California, County of _____
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: _____

Court files 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
 Form EA-109, January 1, 2013, Mandatory Form
 Welfare and Institutions Code, § 1567.03
 Approved by DOJ

Notice of Court Hearing EA-109, Page 1 of 3
 (Elder or Dependent Adult Abuse Prevention)

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.

Clerk stamps date here when form is filed.

DRAFT

08/18/2022

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

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

*Full Name: _____ *Age: _____ Date of Birth: _____
 *Race: _____ Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
 *Gender: M F Nonbinary Home Address: _____
 City: _____ State: _____ Zip: _____
 Relationship to Protected Person: _____

③ Additional Protected Persons

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

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

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

④ Expiration Date

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

Time: _____ a.m. p.m. midnight on (date): _____

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

This is a Court Order.

5 Hearing

- a. There was a hearing on *(date)*: _____ at *(time)*: _____ in Dept.: _____ Room: _____
(Name of judicial officer): _____ made the orders at the hearing.
- b. These people were at the hearing:
- (1) The elder or dependent adult in need of protection
 - (2) The lawyer for the elder or dependent adult *(name)*: _____
 - (3) The person in ① asking for protection (if not the elder or dependent adult)
 - (4) The lawyer for the person in ① asking for protection *(name)*: _____
 - (5) The person in ②
 - (6) The lawyer for the person in ② *(name)*: _____
- Additional persons present are listed at the end of this Order on Attachment 5.
- c. The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

To the Person in ②:

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

6 Personal Conduct Orders

- a. You must **not** do the following things to the elder or dependent adult named in ①
- and to the other protected persons listed in ③:
- (1) Physically abuse, financially abuse, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, harass, destroy personal property of, or disturb the peace of the person.
 - (2) Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.
 - (3) Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.
 - (4) Other *(specify)*: _____
- Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).
- b. Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

7 Stay-Away Orders

- a. You **must** stay at least _____ yards away from *(check all that apply)*:
- (1) The elder or dependent adult in ①.
 - (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 Firearms (Guns), Firearm Parts, or Ammunition**

This Order must be granted unless the abuse is financial only.

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.
- b. **Prohibited items are:**
- (1) Firearms (guns);
- (2) Firearm parts (any receiver, frame, or unfinished receiver or frame as defined in Penal Code section 16531); and
- (3) Ammunition.
- c. 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, all prohibited items 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 all your prohibited items have been turned in, sold, or stored. (You may use form EA-800, *Receipt for Firearms, Firearm Parts, and Ammunition*, for the receipt.)
- d. The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

This is a Court Order.



- 10 e. 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.

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.

Money Owed To:	For:	Amount:
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

- 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:

Item	Amount	Item	Amount
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____

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

This is a Court Order.



15 **Other Orders** (*specify*):

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

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 Firearms (Guns), Firearm Parts, or Ammunition**

If the court grants the orders in item ⑩ on page 3 (unless item 10e on page 4 is checked), you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 10b on page 3 while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any prohibited items 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—Priorities for Enforcement

If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority (see Pen. Code, § 136.2 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 6a(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 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.

DRAFT
8/18/2022
**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 Protected Person

Name: _____

2 Restrained Person

a. Your Name: _____

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

Name: _____ State Bar No.: _____

Firm Name: _____

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

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

3 To the Restrained Person:

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

4 To Law Enforcement

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

Name of Law Enforcement Agency: _____

Name of Law Enforcement Agent: _____

Address: _____

Telephone: _____ Email Address: _____

Items Surrendered

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

Date: _____ Time: _____ a.m. p.m.

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

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

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

Signature of law enforcement agent _____



5 To Licensed Gun Dealer

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

Name of Licensed Gun Dealer: _____

License number: _____

Address: _____

Telephone: _____ Email Address: _____

Items Stored or Sold

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

Date: _____ Time: _____ a.m. p.m.

b. List of items *(List all the items surrendered by the person in ②. You may attach a separate form (e.g., Department of Justice’s Report of Firearms Acquisition) or you may use item ⑥. Check below if you have attached a separate form):*

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

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

▶ Signature of licensed gun dealer _____

6 List of Items Surrendered

Firearms and firearm parts

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

Ammunition

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

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

7 To the Restrained Person:

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

No

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

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

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

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

Your signature

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

Date: _____

Type or print your name



Sign your name

Your Next Steps

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

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

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

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

- Firearms, including any handgun, rifle, shotgun, and assault weapon;
- Firearm parts, including any receiver, frame or unfinished receiver or frame (also called “ghost guns”); and
- Ammunition, also called ammo, including bullets, shells, cartridges, and clips.

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

You must take them to:

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

OR

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

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

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

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

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

Where can I sell the prohibited items?

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

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

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

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

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

Do not bring firearms to court.

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

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

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

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

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

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

Additional Questions?

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

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

See <https://selfhelp.courts.ca.gov/respond-to-EA-restraining-order/obey-firearms-orders>.

For help in your area, contact:

[Local information may be inserted.]