EA-120-INFO How Can I Respond to a Request for Elder or Dependent Adult Abuse Restraining Orders?

What is an elder or dependent adult abuse restraining order?

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

What does the order do?

The court can order you to:

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

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

Who can ask for a restraining order?

A person who is being:

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

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

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

Read the papers served on you very carefully. The *Notice of Court Hearing* tells you when to appear in court. There may also be a *Temporary Restraining Order* forbidding you from doing certain things. You must obey the order until the hearing.

What if I don't obey the order?

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

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

You still must obey the order until the hearing. If you disagree with the orders the person is asking for, fill out form EA-120, *Response to Request for Elder and Dependent Adult Abuse Restraining Orders*, before your hearing date and file it with the court. If you need to include attachments, you can use form MC-025. You can get the forms from legal publishers or from the California Courts website at courts.ca.gov/rules-forms/find-your-court-forms. You also may be able to find them at your local courthouse or county law library.

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

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

The person who serves the form by mail must fill out form EA-250, *Proof of Service of Response by Mail*. Have the person who did the mailing sign the original. Take the completed form back to the court clerk or bring it with you to the hearing.

Do I need a lawyer?

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

What if I don't speak English?

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

What if I have a disability?

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

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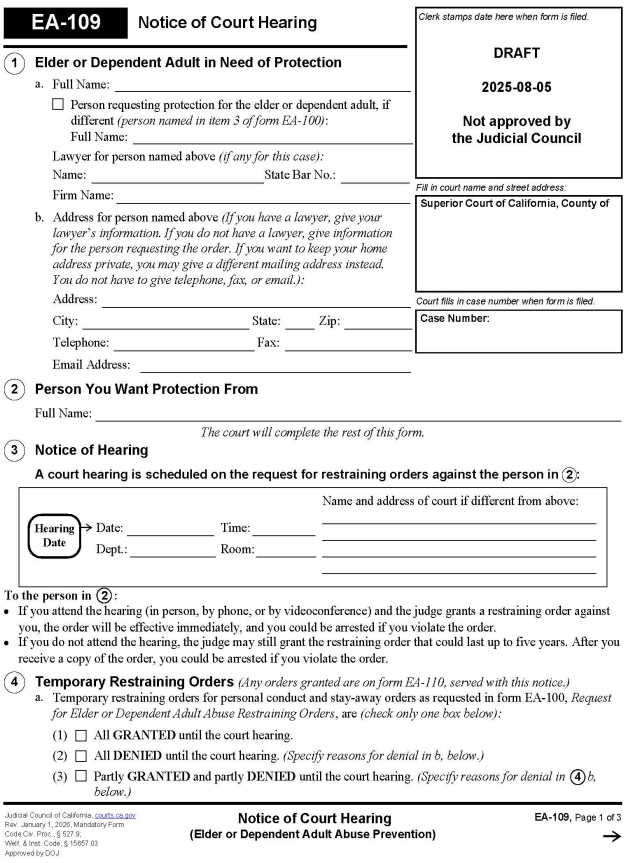
Should I go to the court hearing?

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



EA-109 Notice of Court Hearing

Clerk stamps date here when form is filed.
DRAFT
2025-08-05
Not approved by the Judicial Council

(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):
Hearing Date → Date: Time: Dept.: Room:
Name and address of court if different from above:

To the person in (2):
- If you attend the hearing (in person, by phone, or by videoconference) and the judge grants a restraining order against you, the order will be effective immediately, and you could be arrested if you violate the order.
- If you do not attend the hearing, the judge may still grant the restraining order that could last up to five years. After you receive a copy of the order, you could be arrested if you violate the order.

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

Judicial Council of California, courts.ca.gov
Rev. January 1, 2026, Mandatory Form
Code Civ. Proc., § 527.9;
Welf. & Inst. Code, § 15657.03
Approved by DOJ

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

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

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

Can I bring a witness to the court hearing?

Yes. You can bring witnesses or documents that support your case to the hearing. But if possible, you should also bring the witnesses' written statements of what they saw or heard. Their statements must be made under penalty of perjury. You can use form MC-030 for this.

How long does the order last?

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

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

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

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

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

What if I need to have body armor?

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

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

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

Information about the process is also available online.

See selfhelp.courts.ca.gov/EA-restraining-order.

For help in your area, contact:

[Local information may be inserted.]

For your protection and privacy, please press the Clear button after you have printed the form.

Print Save Clear