

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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SUBJECT: Technical Revisions to Forms: Restraining Orders for the Prevention of Elder and Dependent Adult Abuse and Domestic Violence (revise forms EA-100, EA-120, EA-130, EA-142-INFO, EA-150-INFO, DV-210-INFO, and DV-500-INFO; revoke form EA-150) (Action Required)

Issue Statement

Assembly Bill 2695 (Goldberg), which became effective January 1, 2007, changed the law regarding the free service of certain protective orders, restraining orders, and injunctions. As a result, five forms used in proceedings to prevent elder or dependent adult abuse need to be revised to accurately reflect the statutory provisions regarding free service of orders. Two instruction forms relating to domestic violence restraining orders should be revised to delete obsolete references to a revoked form for requesting free service of orders. And an instruction form relating to protective orders for the prevention of elder and dependent adult abuse should be revoked because it has been superseded.

Recommendation

Administrative Office of the Courts staff recommends¹ that that the Judicial Council, effective July 1, 2008:

¹ The proposals regarding the revisions to the forms relating to the prevention of elder and dependent adult abuse were reviewed by the Civil and Small Claims Advisory Committee, which supports the technical changes.

1. Revise *Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-100);
2. Revise *Notice of Hearing and Temporary Restraining Order* (form EA-120);
3. Revise *Order After Hearing Restraining Elder or Dependent Adult Abuse* (form EA-130);
4. Revise *What Is Proof of Service?* (form EA-142-INFO);
5. Revise *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-150-INFO);
6. Revise *What Is Proof of Service?* (form DV-210-INFO);
7. Revise *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO); and
8. Revoke *Instructions on a Petition for a Protective Order to Prevent Elder or Dependent Adult Abuse* (form EA-150).

The first five forms would be revised to reflect the changes in the law resulting from Assembly Bill 2695 relating to the free service of protective orders in elder and dependent abuse prevention cases. The sixth and seventh forms would be revised to eliminate obsolete references to form CH-101/DV-290, a form used to request free service of orders that was revoked last year. The eighth form would be revoked because it is outdated and the instructions in it are presented fully and accurately in a plain language format in forms EA-150-INFO and EA-151-INFO.

Copies of the revised and revoked forms are attached at pages 5–29.

Rationale for Recommendation

Legislative changes under Government Code section 6103.2

Beginning January 1, 2007, AB 2695 modified the law regarding service of restraining orders. The changes to the law under AB 2695 entitle sheriffs to bill the courts for service of process of protective and restraining orders in enumerated cases, including elder and dependent adult abuse prevention cases. Specifically, Government Code section 6103.2(b)(4) allows sheriffs' departments to submit a billing to the superior courts for payment of service of process fees, *regardless of the in forma pauperis status of any party*, for serving elder and dependent adult abuse orders issued under chapter 11 (commencing with section 15600) of part 3 of division 9 of the Welfare and Institutions Code.

The current elder and dependent abuse forms still reflect the prior law under which plaintiffs in these types of cases were required to submit applications for fee waivers in order to obtain free service of orders by law enforcement.

Proposed changes to forms for elder and dependent adult abuse prevention

To ensure that the Judicial Council forms for use in proceedings to prevent elder or dependent adult abuse are accurate and up-to-date, changes to the text of five forms are needed to reflect that the sheriff will serve the order for free in all cases, not just those in which the plaintiff is proceeding *in forma pauperis*.² A sixth instruction form should be repealed because it has been superseded. The proposed changes to the attached forms would be made as follows:

1. *Request for Orders to Stop Elder or Dependent Adult Abuse* (form EA-100)

The check box on page 6, item 18 of the form would be removed because no court order is required in order to obtain free service. The text would be revised to remove references to a fee waiver and the fee waiver application form. The heading and the text of the item would be modified to use language that is similar to that in form DV-100, item 18.

2. *Notice of Hearing and Temporary Restraining Order* (form EA-120)

The check box on page 4, item 15 of the form would be removed. The heading would be changed to “No Fee to Serve (Notify) Restrained Person.” The text of item 15 would be changed to remove the reference to a fee waiver and to use language that is similar to that in form DV-110, item 15.

3. *Order After Hearing Restraining Elder of Dependent Adult Abuse* (form EA-130)

The check box on page 3, item 14 of the form would be removed. The heading would be changed to “No Fee to Serve (Notify) Restrained Person.” The text of item 14 would be changed to remove the reference to a fee waiver and to use same language as form EA-120.

4. *What Is Proof of Service?* (form EA-142-INFO)

On page 1 under the heading “Who can serve?,” the second paragraph would be revised to remove the references to a fee waiver and the fee waiver application form.

² Effective July 1, 2007, the Judicial Council revised several civil harassment and domestic violence prevention forms (forms CH-100, CH-120, CH-140, CH-150, DV-100, and DV-520-INFO) and revoked a form (form CH-101/DV-290) to reflect the amended free service provisions in AB 2695.

5. *Can a Restraining Order to Prevent Elder or Dependent Adult Abuse Help Me?* (form EA-150-INFO)

On page 1 under the heading “How much does it cost?,” the second paragraph would be revised to remove the reference to a fee waiver.

6. *Instructions on a Petition for a Protective Order to Prevent Elder or Dependent Adult Abuse* (form EA-150)

This form would be revoked. It contains out-of-date information. Also, the information for the parties provided in this form is provided in a more accessible, plain language format in revised forms EA-150-INFO and EA-152-INFO.

Proposed changes to domestic violence prevention forms

Two instruction forms used in domestic violence prevention cases, which contain obsolete references to form CH-101/DV-290, should be revised as follows:

1. *What Is Proof of Service?* (form DV-210-INFO)

The reference on page 1 to form CH-101/DV-290 would be deleted.

2. *Can a Domestic Violence Restraining Order Help Me?* (form DV-500-INFO)

The reference on page 2 to form CH-101/DV-290 would be deleted.

Alternative Actions Considered

No alternative to revising the forms was considered because the proposed changes are necessary in order for the forms to conform to the law and provide reliable current information.

Comments From Interested Parties

This proposal should be approved without circulating the revised forms for comment because the changes to the forms are technical and noncontroversial and are required to be consistent with recent statutory changes.³

Implementation Requirements and Costs

Courts will incur some costs in providing the revised forms to the public. However, the revisions are necessary to make the forms legally accurate and will make it easier for courts and law enforcement to implement the law regarding free service of restraining orders.

Attachments

³ The Protective Orders Working Group is currently undertaking a comprehensive review of forms used to request protective orders. The forms relating to the prevention of domestic violence and elder and dependent adult abuse will be revised as part of that project and will be circulated for public comment. For the purpose of this recommendation, staff has limited its recommendations for the revision of the forms to those necessary so that the forms will accurately reflect the changes in the law relating to service of orders under AB 2695; other possible revisions will be considered at a later date.

Clerk stamps date here when form is filed.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:

1 Name of the person asking for protection:

Address of the person (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Person's telephone number (optional): (_____) _____

Person's lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

2 Name of the person you want protection from:

Describe the person: Sex: M F Weight: _____

Height: _____ Race: _____ Hair color: _____

Eye color: _____ Age: _____ Date of birth: _____

Home address (if you know): _____

City: _____ State: _____ Zip: _____

Work address (if you know): _____

City: _____ State: _____ Zip: _____

3 Who is asking the court for protection?

You, to protect yourself.

A person acting on your behalf:

A conservator Another person with legal authority to represent you.

If you are requesting protection for yourself, indicate that and go on to 4. If someone else is making this request, that person must attach a statement of who he or she is, his or her legal authority to make this request, and information about this representation, including any court appointments, the case numbers, and other relevant matters. Attach a sheet of paper and write "EA-100, item 3—Information About Person Requesting Orders."

4 Describe the person asking for protection:

a. Age: _____

b. If you are under age 65, do you have any physical or mental limitations that prevent you from carrying out normal activities or protecting your rights? Yes No (If yes, describe): _____

Check here if you need more space. Attach a sheet of paper and write "EA-100, item 4—Describe Protected Person" at the top of the page.

This is not a Court Order.



Case Number: _____

Your name: _____

5 How do you know the person in 2? (Describe):

6 Why are you filing in this court? (Check all that apply):
 I was abused physically or emotionally in this county by the person in 2.
 The person in 2 lives in this county.
 Other (explain): _____

7 a. Have you and the person in 2 been involved in another court case? Yes No
If yes, where? County: _____ State: _____
What is the case number? (If you know): _____
What kind of case? (Check all that apply):
 Elder abuse Dependent adult abuse Civil harassment
 Domestic violence Criminal
 Other (specify): _____

b. Are there now any protective or restraining orders relating to you and the person in 2?
 Yes No If yes, attach a copy if you have one.
 Check here if you need more space. Attach a sheet of paper and write "EA-100, item 7—Describe Other Cases" at the top of the page.

8 Is this your first request for a protective order against the person in 2? Yes No
If no, are you asking for the renewal of an earlier protective order? Yes No
If you are asking for the renewal of an earlier order, provide the following information:
a. What was the case number of the earlier order? _____
b. How long do you want the renewed order to last? _____ years permanently

9 Describe in a. through i. how the person in 2 has abused you.
a. When was the most recent abuse (provide date or estimated date): _____
b. Who was there? _____

This is not a Court Order.

Request for Orders to Stop Elder or Dependent Adult Abuse
(Elder or Dependent Adult Abuse Prevention)



Case Number: _____

Your name: _____

c. In the most recent abuse, did the person in ② do any of the following to you: physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, block movements, or contact you (directly or indirectly) by telephone, mail, e-mail, messenger, or by any other means?

Yes No

If yes, describe: _____

d. Has the person in ② previously abused you? Yes No

If yes, describe: _____

e. Describe any use or threatened use of guns or other weapons: _____

f. Did the police come? Yes No

If yes, did they give you an Emergency Protective Order? Yes No I don't know

Attach a copy, if you have one.

g. Is the person in ② a caregiver who didn't allow you to have goods or services you needed to avoid physical harm or mental suffering? Yes No

If yes, describe how that affected you: _____

This is not a Court Order.



Your name: _____

h. Did the case involve **solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse?

- Yes, only financial abuse.
- No, included other abuse described above.

i. Describe any injuries or harm you suffered as a result of the actions or deprivation described above:

Check here if you need more space to explain any of the subparts in item 9. Attach a sheet of paper and write "EA-100, item 9, subpart ____—Describe Abuse" at the top of the page.

Check the orders you want

10 **Personal Conduct Orders**

I ask the court to order the person in ② to **not** do the following things to me:

- a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy my personal property, keep me under surveillance, or block my movements.
- b. Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will be ordered not to take any action to get the addresses or locations of any protected person, or of that person's family members or caretakers, unless the court finds good cause not to make the order.

11 **Stay-Away Orders**

I ask the court to order the person in ② to stay at least (*specify*): _____ yards away from me and the places listed below (*Check all that apply*):

- a. My home
- b. My job or workplace
- c. My vehicle
- d. Other (*specify*): _____

If the court orders the person in ② to stay away from all the places checked above, will that person be able to get to his or her home or job? Yes No

If no, explain: _____

12 **Move-Out Order**

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

I will suffer physical or emotional harm if the person in ② does not leave the residence.

The title or lease to the residence is not in the sole name of the person in ② or the name of the person in ② and another person.

This is not a Court Order.



Case Number: _____

Your name: _____

Check the orders you want (continued)

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

- a. I have the right to live at the above residence (*explain*): _____
- b. The person in ② assaulted or threatened me.

13 Order About Guns or Other Firearms

I ask the court to order the person in ② to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive, firearms **and** to sell or turn in any guns or firearms that he or she controls. The abuse in this case is **not solely financial abuse** unaccompanied by force, threat, harassment, intimidation, or any other form of abuse.

14 Other Orders

What other orders are you asking for? (*Describe*): _____

Check here if you need more space. Attach a sheet of paper and write "EA-100, item 14—Other Orders" at the top of the page.

15 Temporary Orders

Do you want the court to make orders right now on matters listed in ⑩ through ⑭? Yes No

If yes, explain why: _____

Check here if you need more space. Attach a sheet of paper and write "EA-100, item 15—Temporary Orders" at the top of the page.

16 Delivery of Orders to Law Enforcement Agencies

I request that copies of the court's orders be given by (*check one*):

- The court clerk
- Myself
- My lawyer

to the following law enforcement agencies:

a. Name of Agency: _____
Address: _____
City: _____ State: _____ Zip: _____

b. Name of Agency: _____
Address: _____
City: _____ State: _____ Zip: _____

This is not a Court Order.



Case Number: _____

Your name: _____

17 **Request to Shorten Time for Service**

You must have your papers personally served on the person in ② at least 5 days before the hearing, unless the court orders a different time for service. (Form EA-142-INFO, "What is Proof of Service?," explains how to serve (notify) the person in ②. Form EA-140 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

18 **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.

19 **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. Lawyer's fees
- b. Court costs

The amounts requested are:

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

Check here if you need more space. Attach a sheet of paper and write "EA-100, item 19—Lawyer's Fees and Costs" at the top of the page.

20 **Additional Relief**

I ask the court for additional relief as may be proper.

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

This Request for Orders to Stop Abuse must be personally served on the person in ②. The person requesting the orders may not serve these papers.

Date: _____

Lawyer's name

Lawyer's signature

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

Date: _____

Name of person filing this request

Signature of person filing this request

This is not a Court Order.

**Notice of Hearing and
Temporary Restraining Order**

Clerk stamps date here when form is filed.

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of _____

2 Name of person to be restrained:

Description of that person:

Court fills in case number when form is filed.

Case Number: _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

3 **Notice of Hearing**

A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above:

Hearing Date → Date: _____ Time: _____
Dept.: _____ Rm.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

4 **Court Orders**

The court (check a or b):

- a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.
- b. Has scheduled the hearing stated in ③ **and** has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

**Notice of Hearing and Temporary
Restraining Order (CLETS-TEA or TEF)
(Elder or Dependent Adult Abuse Protection)**

Your name: _____

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): _____

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ **Personal Conduct Orders**

You must **not** do the following things to the person listed in ①:

- a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action, directly or through others, to obtain the addresses or locations of the person in ① or of that person's family or caretakers. (If item c. is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or any other person for service of legal papers related to a court case is allowed and does not violate this order.

⑥ **Stay-Away Orders**

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The home of the person in ①
- c. Job or workplace of the person in ①
- d. Vehicle of person in ①
- e. Other (specify): _____

⑦ **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 until the hearing.

⑧ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑨ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 guns have been turned in or sold. (You may use Form EA-145 for this.)

⑩ **Financial Abuse**

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

This is a Court Order.



Case Number: _____

Your name: _____

11 **Other Orders** (specify): _____

Additional orders are attached at the end of this Order.

Instructions for the Protected Person

To the person in ①: (Write the name of the person in ①): _____

12 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made,

you your lawyer the court clerk

should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:	Address (City, State, Zip)
_____	_____
_____	_____
_____	_____

13 **Service of Documents**

You must have someone personally deliver to the person in ② a copy of all the documents below:

- a. Form EA-120, *Notice of Hearing and Temporary Restraining Order* (completed and filed-stamped)
- b. Form EA-100, *Request for Orders to Stop Elder or Dependent Adult Abuse* (completed and filed-stamped)
- c. Form EA-110, *Response to Request for Orders to Stop Elder or Dependent Adult Abuse* (blank form)
- d. Form EA-151-INFO, *How Can I Respond to a Request for Orders to Stop Elder or Dependent Adult Abuse?*

If the boxes below are checked, you must also have someone personally deliver to the person in ② a copy of all the documents checked below:

- e. Form EA-145, *Proof of Firearms Turned In or Sold* (blank form)
- f. Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in ②.
(For help with service, read *Forms EA-142-INFO* and *EA-150-INFO*.)

This is a Court Order.



Case Number: _____

Your name: _____

Order to Both Parties on Service

14 Time for Service

A To: Person Asking for Order

Someone 18 or over—**not you**—must personally “serve” a copy of this order on the person in ② at least _____ days before the hearing.

B To: Person Served With Order

If you want to respond in writing, someone 18 or over—**not you**—must “serve” Form EA-110 on the person in ①, then file it with the court at least _____ days before the hearing.

(For help with service or responding, read Forms EA-142-INFO and EA-151-INFO.)

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

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

Date: _____

Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

16 If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ⑨ above. The court will require proof that you did so. If you do not obey this order, you can be charged with a crime.

17 **After You Have Been Served With a Restraining Order**

- Obey all the orders.
- If you want to respond, fill out Form EA-110 and file it with the court clerk. You do not have to pay any fee to file your response.
- Serve Form EA-110 on the person in ① or that person’s attorney by the date listed in ⑭ of this form. You cannot serve the person in ① yourself. The person who serves the person in ① should complete and sign a *Proof of Service*. Form EA-141 may be used for this purpose. You should take the completed form back to the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (Form MC-031) is available from the clerk’s office at the court shown on page 1 of this form. If you do not know how to prepare a declaration, you should see a lawyer. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the person in ② or his or her lawyer.
- If you wish to oppose the request for orders, in addition to filing a response, you should be present at the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, tell the judge if you agree or disagree with the orders requested.
- Even if you do not go to the hearing, the judge can make the restraining orders last for 3 years.

This is a Court Order.

Case Number: _____

Your name: _____

18 Notice Regarding Nonappearance at Hearing and Service of Order

If you have been personally served with a temporary restraining order and notice of 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 the previous or temporary restraining order is issued at the hearing, a copy of the order will be served on you by mail at the following address (*insert the address of the person in 2*):

If that address is not correct or you wish to verify that the temporary order was made permanent without substantive change, contact the clerk of the court.

If both you and the person in 1 are personally present at the hearing where the order is issued, no additional proof of service will be required.

Instructions for Law Enforcement Agencies

19 This order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Information for All Parties



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civil Code, § 54.8)

(Clerk will fill out this part)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of Hearing and 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.

Clerk stamps date here when form is filed.

1 Name of person asking for protection:

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

Fill in court name and street address:

Superior Court of California, County of _____

2 Name of person to be restrained:

Description of that person:

Fill in case number:

Case Number: _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

3 **Hearing**

There was a hearing:

on (date): _____ at (time): _____ a.m. p.m. Dept.: _____ Rm: _____

_____ made the orders at the hearing.

(Name of judicial officer)

These people were at the hearing:

a. The person in ①. c. Lawyer of the person in ① (name): _____

b. The person in ②. d. Lawyer of the person in ② (name): _____

4 **Expiration Date of Order**

This Order, except for an award of lawyer's fees, expires at: (time): _____ a.m. p.m. or midnight on (date): _____

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

This renewal Order remains in effect permanently.

This is a Court Order.



Your name: _____

Case Number: _____

Orders Against the Restrained Person

(Write the name of the person in ②): _____

5 This Is a Court Order

To the person in ②: You must obey all the orders indicated below. If you do not obey these orders, you can be arrested and charged with a crime. You may have to go to jail, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders

You **must not** do the following things to the person listed in ①:

- a. Physically abuse, financially abuse, intimidate, molest, attack, assault (sexually or otherwise), hit, follow, stalk, threaten, harass, destroy personal property, keep under surveillance, or block movements.
- b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- c. Take any action to obtain the address or location of the person in ① or of that person's family or caretakers.

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

You **must** stay at least (specify): _____ yards away from:

- a. The person listed in ①
- b. The home of the person in ①
- c. Job or workplace of the person in ①
- d. Vehicle of person in ①
- e. Other (specify): _____

8 Move-Out Order

You must move out immediately from and not return to (address): _____

9 No Guns or Other Firearms

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

10 Turn in or Sell Guns or Firearms

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess 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 guns have been turned in or sold. (You may use Form EA-145 for this.)

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 Other Orders (specify): _____

Additional orders are attached at the end of this Order.

This is a Court Order.



Case Number: _____

Your name: _____

Instructions for the Protected Person

To the person in ① (*Write the name of the person in ①*): _____

13 **Delivery to Law Enforcement Agency**

If the court issues restraining orders, by the close of business on the date this Order is made, you or your attorney must deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below:

Name of Law Enforcement Agency	Address (City, State, Zip)
_____	_____
_____	_____
_____	_____

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

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

Date: _____

▶ _____
Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

If the court orders, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with ⑩ above. The court will require proof that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement Agencies

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an Order of that jurisdiction 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 Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this restraining order are subject to criminal penalties.

(Clerk will fill out this part.)

Clerk's Certificate

Clerk's Certificate
[seal]

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

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

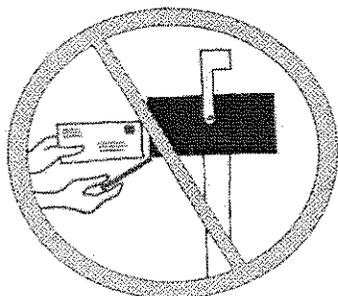
What is "service"?

There are many kinds of service—in person, by mail, and others. This form explains "personal" service.

The *Notice of Hearing and Temporary Restraining Order* (Form EA-120) and the *Request for Orders to Stop Elder or Dependent Adult Abuse* (Form EA-100) must be served "in person." That means someone—**not you** or anyone else protected by the order—must personally "serve" (give) the person to be restrained a copy of the forms.

Service lets the other person know:

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



Don't serve it by mail!

Who can serve?

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

The server must:

- Be over 18 years of age.
- Not be you or anyone else protected by the orders.

The sheriff or marshal will serve the court's orders *for free*.

A "registered process server" is a business you pay to deliver court forms. Look in the Yellow Pages under "Process Serving."

(If a law enforcement agency or the process server uses a different Proof of Service form, make sure it lists the forms served.)

How to serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person.
- Give the person copies of all papers checked on Form EA-140, the *Proof of Personal Service* form.
- Fill out and sign the *Proof of Personal Service* form.
- Give the signed *Proof of Personal Service* form to you.

What if the person won't take the papers or tears them up?

The server must attempt to make personal delivery even if the person won't take the papers. It doesn't matter if the person tears them up.

Who signs the Proof of Service?

Only the person who serves the orders can sign the *Proof of Personal Service*. You do not sign Form EA-140. The restrained person does not sign this form.

When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form EA-120:

First, look at the hearing date on page 1 of Form EA-120. Next, look at the number of days written in ⑭ on page 4.

③ Notice of Hearing
A court hearing is scheduled on the request for orders again.
Hearing Date → Date: _____
Dept.: _____

⑭ Time for Service
A To: Person Asking for Order
Someone 18 or over—not you—must personally "serve" a copy of this order to the restrained person at least _____ days before the hearing.

Look at a calendar. Subtract the number of days in ⑭ from the hearing date. That's the final date to have the orders served. It's always OK to serve earlier than that date.

If nothing is checked or written in ⑭, you must serve the orders at least 5 days before the hearing.

Why do I have to get the orders served?

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

What happens if I can't get the orders served before the hearing date?

Before your hearing, fill out and file *Request and Order for Reissuance of Temporary Restraining Order* (Form EA-125). This form asks the court for a new hearing date and makes your orders last until then. Ask the clerk for the form.

After the court has reissued the orders, you **must** attach a copy of Form EA-125 to a copy of your original orders. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date.

What do I do with the completed Proof of Service?

- Make at least 5 copies.
- File the original before your hearing.
- Ask the clerk to enter it into CLETS (California Law Enforcement Telecommunications System), a special computer system that lets police all over the state find out about the orders protecting you.
- If the clerk tells you they can't enter it into the computer, take a copy of the orders to the sheriff's department. They will put the information into the state computer system. That way, police all over the state will know about your restraining order.
- Bring a copy of the completed *Proof of Personal Service* (Form EA-140) to your
- Always keep an extra copy of the restraining orders with you for your safety.

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:

- 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 abuse, harass, hit, or threaten you
- Not contact or go near you, *and*
- Not have a gun

What if I am deaf?

If you are deaf, contact the clerk at least 5 days before the hearing. Ask for an interpreter or other accommodation. (See information on Requests for Accommodations below.)

What forms do I need to get the order?

Fill out Forms EA-100 and EA-120. Then file them with the court clerk. If you need to add attachments, you may use form MC-020. Also, complete confidential Form-EA-102 and give it to the clerk.

Where can I get these forms?

You can get the forms at any court, self-help center, or county law library or on the Web at www.courtinfo.ca.gov/forms.

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.

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 3 years.

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

Someone over 18 years of age—**not you** or anyone else protected by the order— must “serve” (give) the person to be restrained a copy of the order. For help with service, see or ask the court clerk for Form EA-142-INFO.

What if the restrained person does not obey the order?

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

How much does it cost?

There is no fee for filing the 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.

Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk’s office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)



Do I have to go to court?

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

Do I need a lawyer?

No. But it is a good idea. Ask the court clerk about free and low-cost legal services and self-help centers in your county.

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

No. But it helps to have proof of the abuse. You can bring:

- A written statement from witnesses made under oath
- Witnesses
- Photos
- Medical or police reports
- Damaged property
- Threatening letters, e-mails, or telephone messages

The court may or may not let witnesses speak at the hearing. So, if possible, you should bring written statements from witnesses signed under penalty of perjury to the hearing. (You can use Form MC-030 for this.)

Will I see the restrained person at the court hearing?

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

Can I bring someone with me to court?

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

What if I don't speak English?

When you file your papers, ask the clerk if a court interpreter is available. You may have to pay a fee for the interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. You cannot ask a child under 18 to interpret for you.

EA-120

**Notice of Hearing and
Temporary Restraining Order**

Clerk stamps date here when form is filed.

① Name of person asking for protection: _____

Address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): _____

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number): _____

② Name of person to be restrained: _____

Description of that person: _____

Sex: M F Height: _____ Weight: _____ Race: _____

Hair Color: _____ Eye Color: _____ Age: _____ Date of Birth: _____

Home Address (if known): _____

City: _____ State: _____ Zip: _____

Work Address (if known): _____

City: _____ State: _____ Zip: _____

③ **Notice of Hearing**
A court hearing is scheduled on the request for orders against you to stop abuse:

Name and address of court if different from above: _____

Hearing Date	Date: _____	Time: _____	Dept.: _____
			Km.: _____

If you do not want the court to make orders against you, file Form EA-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

④ **Court Orders**
The court (check a or b):

a. Has scheduled the hearing stated in ③. No orders are issued against you at this time.

b. Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on pages 2, 3, and 4. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Judicial Council of California, www.courtinfo.ca.gov
 Revised January 1, 2007. Modified 6/08
 Code of Civil Procedure, § 177.8
 Welfare and Institutions Code, § 16609.02
 Approved by DLSJ

EA-120, Page 1 of 5

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders.

Need more information?

Ask the court clerk about free or low-cost legal help.

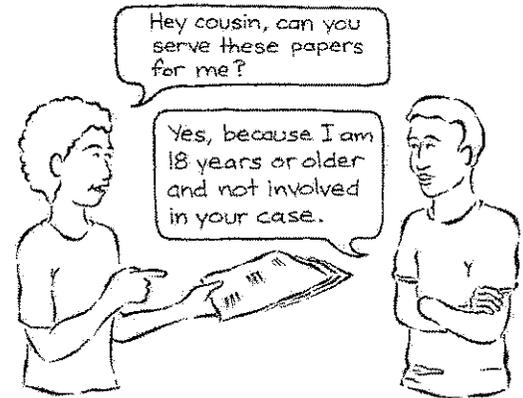
For help in your area, contact:

[Local information may be inserted.]

What is “service”?

There are many kinds of service—in person, by mail, and others. This form is about “in-person service.” The *Temporary Restraining Order* (Form DV-110) and the *Request for Order* (Form DV-100) must be served “in person.” That means someone—not you or anyone else protected by the order—must personally “serve” (give) the restrained person a copy of the forms. Service lets the other person know:

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

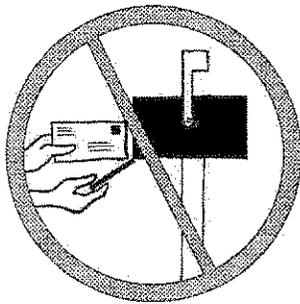


Who can serve?

Ask someone you know, a process server, or law enforcement to personally “serve” (give) a copy of the order to the restrained person. You **cannot** send it by mail.

The server must:

- Be 18 or over
- Not be protected by the orders



Don't serve it by mail!

The sheriff or marshal is authorized to serve the orders for **free**, but you have to ask.

A “process server” is a business you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.”

(If law enforcement or the process server uses a different proof of service form, make sure it lists the forms served.)

How to Serve

Ask the server to:

- Walk up to the person to be served.
- Make sure it's the right person. Say the person's name: “Are you John Doe?” or “Hi, John Doe.”
- Give copies of all papers checked on Form DV-200.
- Fill out and sign the *Proof of Service* form (DV-200).
- Give the signed *Proof of Service* to you.

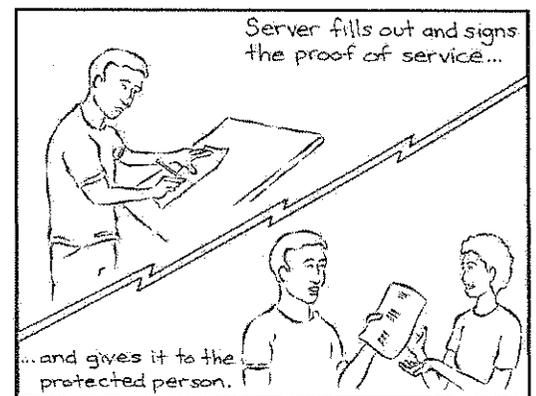


What if the person won't take the papers or tears them up?

- If the person won't take the papers, just leave them near the person.
- It doesn't matter if the person tears them up.

Who signs the *Proof of Service*?

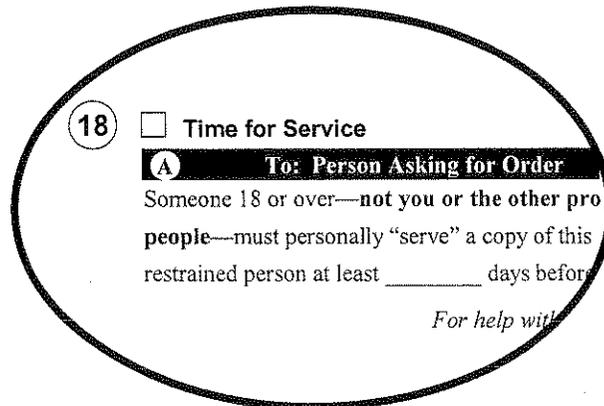
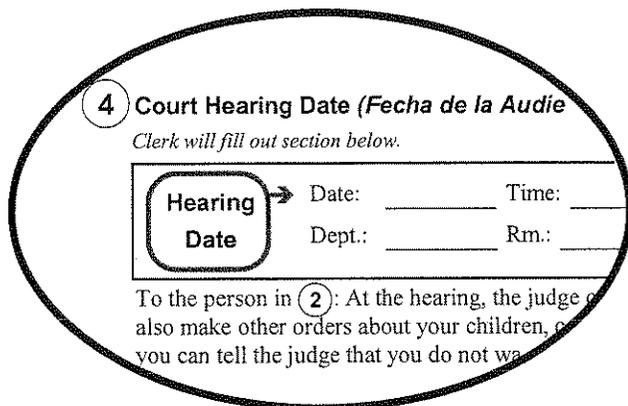
Only the person who serves the orders can sign the *Proof of Service*. You do not sign Form DV-200. The restrained person does not sign this form.



When do the orders have to be served?

It depends. To know the exact date, you have to look at two things on Form DV-110:

First, look at the hearing date on page 1 of Form DV-110. Next, look at the number of days written in (18) on page 3.



Look at a calendar. Subtract the number of days in (18) from the hearing date. That’s the final date to have the orders served. It’s always OK to serve earlier than that date.

If nothing is written in (18), follow these rules:

- If the restrained person was notified that you asked for temporary orders, you have 15 days before the hearing.
- If the restrained person was not notified that you asked for temporary orders, you have 5 days before the hearing.

Why do I have to get the orders served?

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

What happens if I can’t get the orders served before the hearing date?

Before your hearing, fill out and file the *Reissue Temporary Restraining Order* (Form DV-125). This form asks the judge for a new hearing date and makes your orders last until then. Ask the clerk for the form.

You **must** attach a copy of Form DV-125 to a copy of your original order. That way, the police will know your orders are still in effect. And the restrained person will be served with notice of the new hearing date. For more information on getting a new hearing date, read Form DV-126-INFO.

What do I do with the completed Proof of Service?

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

- Make at least 5 copies.
- File the original *Proof of Service* (Form DV-200) with the court at least 2 days before your hearing.
- The clerk will send it to CLETS, a statewide computer system that lets police know about your order.
- Bring a copy of the *Proof of Service* to your hearing.
- Always keep an extra copy with you for your safety.

If the sheriff serves the orders, he or she will send the *Proof of Service* to the court and CLETS for you.

What is a "domestic violence restraining order"?

It is a court order that can help protect people from abuse.

What is abuse?

Abuse means to hit, kick, hurt, scare, throw things, pull hair, push, follow, harass, sexually assault, or threaten to do any of these things. Abuse can be spoken, written, or physical.

Can I get a restraining order?

You can ask for one if:

- A person has abused you *and*
- You have a close relationship with that person (married, divorced, separated, registered domestic partnership, dating or used to date, live together or used to live together*), or you are related (parent, child, brother, sister, grandmother, grandfather, in-law)

* You have to be more than just roommates.

What if I don't qualify for a restraining order?

If you do not qualify, there are other kinds of orders you can ask for:

- Civil harassment order (can be used for neighbors, roommates, and co-workers)
- Dependent adult or elder abuse restraining order

Ask the court clerk for the forms you need for these special kinds of orders. You may also want to talk to a lawyer.

How soon can I get the order?

The judge will decide whether or not to make the order within 24 hours of your request. Sometimes the judge decides sooner.

How will the restraining order help me?

It can order the restrained person to:

- Not contact or go near you, your children, other relatives, or others who live with you
- Not have a gun
- Move out of your house

Other orders are available. The restraining order can also provide for:

- Child custody and visitation orders
- Child support
- Spousal support

How long does the order last?

The first (temporary) order lasts until your next court date. At that time, the judge will decide to continue or cancel the order. The order issued at that hearing could last for up to 5 years. Child custody, visitation, and support orders last longer. Child custody, visitation, and support orders can last until the child turns 18.

How much does it cost?

Nothing.

What if I don't have a green card?

You can still get a restraining order. If you are worried about deportation, talk to an immigration lawyer.

Do I have to go to court?

Yes. Go to court on the date the clerk gives you. If you do not, your order will end.

Do I need a lawyer?

No. But it is a good idea, especially if you have children. Ask the court clerk about legal services and domestic violence help centers in your county. The clerk can also send you to the Family Law Facilitator for help with child support.

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

No. But it helps to have proof of the abuse. You can bring:

- A statement from a witness, made under oath
- A witness
- Photos
- Medical or police reports
- Damaged property
- A threatening letter, an e-mail, or a telephone message

The judge may or may not let a witness speak at the hearing.



Will I see the restrained person at the hearing?

If the restrained 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. Read *Get Ready for Your Hearing (For Protected Person)* (Form DV-520-INFO).

Can I bring someone with me to the court?

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

What if I don't speak English?

When you file your papers, ask the clerk for a court interpreter. If the interpreter is not available for your court date, bring someone to interpret for you. Do not ask a child, or anyone protected by the order, to interpret for you.

What if I am deaf or hard of hearing?**Requests 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 proceeding. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

How will the restrained person know about the order?

Someone who is at least 18—not you or anyone else protected by the order—must “serve” (give) the restrained person with a copy of the order. The sheriff or marshal will do it for free, but you have to ask. For more help, ask the court clerk for Form DV-210-INFO.

What if the restrained person doesn't obey the order?

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

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

No. Only the judge can change or cancel the order.

Can I use the restraining order to get divorced or terminate a registered domestic partnership?

No. These forms will not end your marriage or registered domestic partnership. You must file other forms to end your marriage or registered domestic partnership. The court clerk can tell you where to get legal help.

Can this order stop the other person from taking our children away?

Yes. The judge can order the person named in the orders *not* to take the children out of California, or the county you live in, without your written agreement or another court order.

What if I move?

Your restraining order works anywhere in the United States. If you move out of California, contact your new local police so they will know about your orders. If you want to move with your minor children, you need the other parent's permission or a court order. (There are some exceptions. Talk to a lawyer.)

Need more information?

Ask the court clerk about free or low-cost legal help. Or call the National Domestic Violence Hotline:

1-800-799-7233

TDD: 1-800-787-3224

They can help you in more than 100 languages.

It's free and private.

For help in your area, contact:

INSTRUCTIONS

ON PETITION FOR A PROTECTIVE ORDER TO PREVENT ELDER OR DEPENDENT ADULT ABUSE

INSTRUCTIONS FOR THE PETITIONER

1. Where to file

A petition for a protective order must be filed in the superior court either in the county where the abuse occurred or in the county where the defendants, or some of them, reside at the time the petition is filed.

2. Who may be protected by the orders?

An elder or a dependent adult who has suffered abuse as defined in Section 15610.07 of the California Welfare and Institutions Code may be protected by the orders. Under Section 15610.07, "abuse of an elder or a dependent adult" means either:

- Physical abuse, neglect, financial abuse, abandonment, isolation, infliction of other treatment with resulting physical harm or pain or mental suffering; or
- The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

3. Who can petition for the orders?

The person to be protected, the conservator of the person to be protected, or a guardian ad litem appointed by the court to represent the person to be protected can file a petition.

4. What forms are required?

Prepare an original of each of the following forms and, once completed, make **at least two copies** of each:

Form EA-100, *Petition for Protective Order*

Form EA-120, *Order to Show Cause and Temporary Restraining Order*

Forms are available at the court clerk's office or through legal publishers. Forms are also available on the California Courts Web site at www.courtinfo.ca.gov/forms

The forms may be filled out on a computer, typed, or handwritten or handprinted. If you have access to the Internet, fillable forms are available on the California Courts Web site. Most libraries and some women's shelters and volunteer legal service groups have computers that you may use. If you handwrite your forms, print clearly.

You will need one copy of the temporary restraining order for each law enforcement agency and others who will help enforce the order and two copies for yourself. Thus, if you want to give copies of the court orders to three law enforcement agencies, you will need at least **five** copies of your forms. Bring the original and all copies to court to present to the court clerk.

5. Judicial signature

The court clerk will tell you where to take your documents for judicial signature.

6. Filing fee, filing, and hearing date

The *Petition for Protective Orders* (form EA-100) and the *Order to Show Cause and Temporary Restraining Order* (form EA-120) must be presented to the court. There is no fee for filing these documents. The court will provide a hearing date, which will be inserted in the order. When you file these documents, you should ask the court clerk to file-stamp your copies.

7. Delivery of the temporary restraining order to law enforcement

You should ensure that each order is delivered to the appropriate law enforcement agencies so that the orders will be enforced. Check with the court clerk to find out how to deliver an order.

8. Personal service requirements

The law requires that the person from whom you wish to be protected must be personally **served** this notice that you have filed for a restraining order. The judge cannot make any orders at the hearing unless and until the person from whom you wish to be protected has been properly served.

Once you have obtained a signed order, the original petition and order have been filed with the court, and you have received your filed-stamped copies from the court clerk, you must have the respondent—the person from whom you wish to be protected—personally **served** with a filed-stamped copy of the *Petition for Protective Orders* (form EA-100), a filed-stamped copy of the *Order to Show Cause and Temporary Restraining Order* (form EA-120), and a blank *Response to Petition for Protective Orders* (form EA-110). These papers must be **served** at least two days before the hearing date unless the court has provided another time for completing service.

"Serve" is a legal term which means that your completed forms must be personally delivered to the person from whom you wish to be protected. Neither the protected person nor the petitioner (if that is someone other than the protected person) may serve the papers on the other party. Service may be made by a licensed process server, the sheriff's department, or any person 18 years or older who is not a party to the case.

You do not have to hire a process server to have the court forms served on the person from whom you wish to be protected. The sheriff or marshal will serve your papers for free.

If you hire a professional process server, you must pay for his service. It is helpful to give the process server a picture of the person from whom you wish to be protected and a list of times and places when it will be easier to find that person to serve the forms.

9. Proof of service requirements

After the restrained person has been personally served, the individual who served the papers on that person must complete and sign a *Proof of Personal Service* (form EA-140) (for personal service)). The original proof of service must be filed with the court before the hearing. Keep copies for yourself.

10. Bring documents to the court hearing

Bring copies of all documents you have filed with the court, including your *Proof of Personal Service* form, to the court hearing. In addition, complete and bring to the court a completed copy of the *Restraining Order After Hearing* (form EA-130) for the judge's signature at the hearing.

11. After the hearing

a. Filing the signed restraining order after the hearing

At or after the hearing, the *Restraining Order After Hearing* (form EA-130) may be modified to reflect the judge's orders. Ask the judge or court clerk how to obtain the judge's signature on the final order. After the judge signs the order, **make at least two copies**. File the original with the court clerk and ask the court clerk to file-stamp the copies for you.

b. Delivery of the signed restraining order

You should ensure that the order is delivered to the law enforcement officials that you would like to have enforce the order. Check with the court clerk to find out how to deliver the order.

c. Serving the signed restraining order

If the respondent—the person from whom you wish to be protected—was not present in court at the court hearing, you should arrange to have the respondent personally served with a filed-stamped copy of the *Restraining Order After Hearing* (form EA-130).

d. Proof of service of the signed restraining order

After the restrained person has been served, the person who served the papers must complete and sign a *Proof of Personal Service* (form EA-140). The original must be filed with the court. Keep copies for yourself.

INSTRUCTIONS FOR THE RESPONDENT

1. If you are served with an *Order to Show Cause and Temporary Restraining Order (Elder or Dependent Adult Abuse)* (form EA-120) and a *Petition for Protective Orders (Elder or Dependent Adult Abuse)* (form EA-100), you should promptly seek legal advice. If you have no attorney, the attorney referral service of your local bar association may be of assistance.
2. If you wish to respond to or oppose the petition, you should file a *Response to Petition for Protective Orders* (form EA-110). Forms are available at the court clerk's office, from legal publishers, and in fillable form on the California Courts Web site at www.courtinfo.ca.gov/forms. An original response must be filed with the court and a copy served on the petitioner or the petitioner's attorney. You do not have to pay any fee to file your response.

In addition to the response, you may file and serve declarations signed by you and other persons who have personal knowledge of the facts. A declaration form (form MC-031) is available from the court clerk's office. If you do not know how to prepare a declaration you should see an attorney. After you have filed the response with the clerk of the court, a copy must be delivered personally or by mail to the petitioner or the petitioner's attorney.

You cannot serve the petitioner yourself. The person who serves the petitioner must complete and sign a *Proof of Personal Service* (form EA-140) (for personal service) or *Proof of Service by Mail* (form EA-141) (for service by mail). You should file the completed form with the court clerk before the hearing date or bring it with you to the hearing.

3. If you wish to oppose the petition, in addition to filing a response you should be present at the hearing. If you have any witnesses, they must also be present at the hearing.
4. If the court orders you to relinquish firearms, you must sell all your firearms to a licensed gun dealer or relinquish them to a law enforcement agency. You must get a receipt showing that you have sold or relinquished the firearms within 72 hours of receiving the order. You may use *Proof of Sale or Turning In of Firearms* (form EA-145) for this purpose.

Requests for Accommodation

Assistive listening systems, computer-assisted real-time-captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Others* (form MC-410). (Civ. Code, § 54.8.)

